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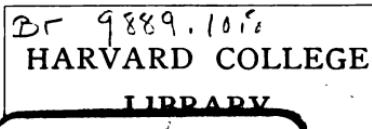
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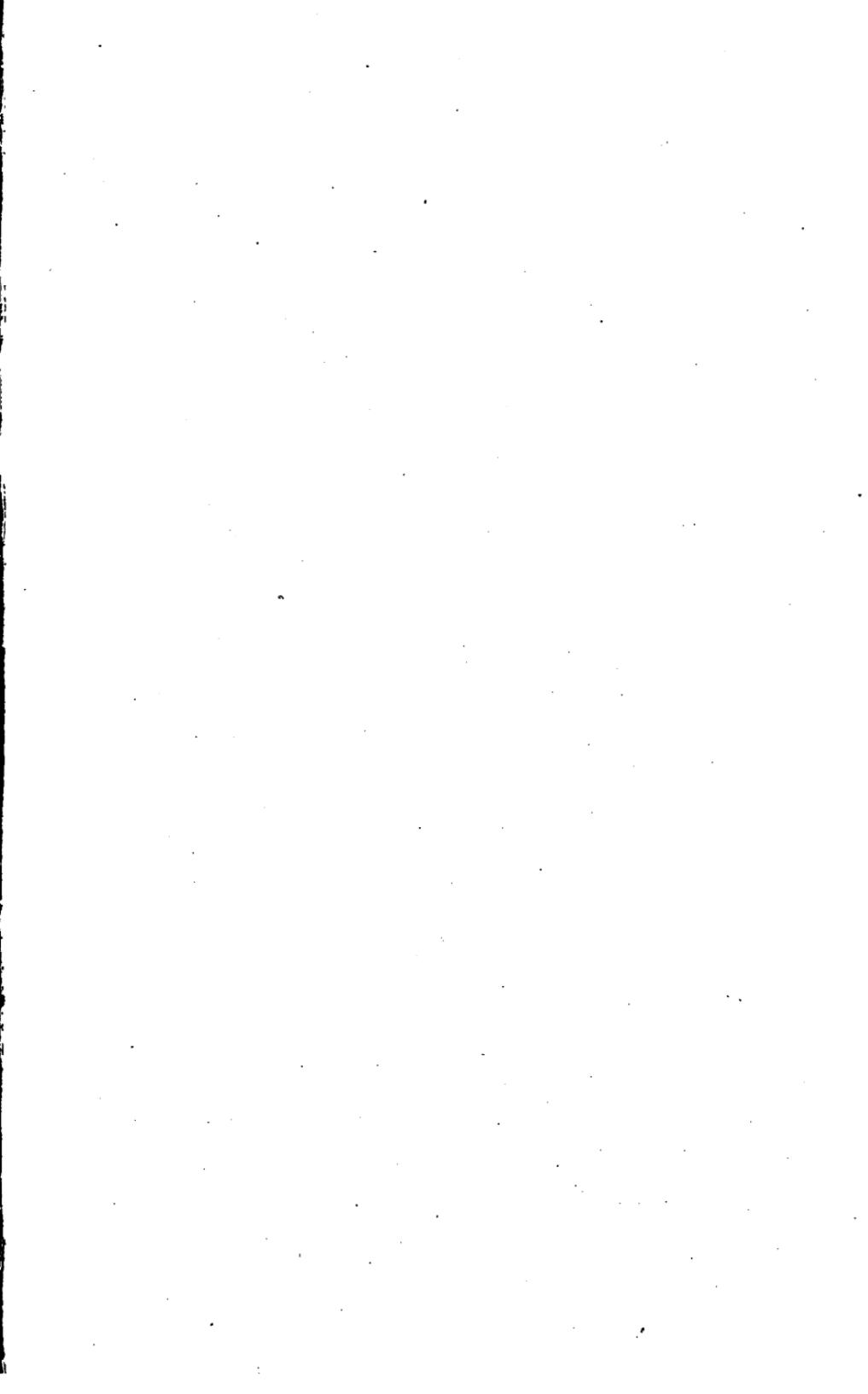


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H A W I C K
AND ITS
OLD MEMORIES:
WITH
AN APPENDIX,
CONTAINING
BIOGRAPHICAL SKETCHES, AND OTHER
ILLUSTRATIVE DOCUMENTS.

COMPILED BY
JAMES WILSON,
TOWN-CLERK OF HAWICK.

EDINBURGH:
MACLACHLAN AND STEWART.
HAWICK: JAMES DALGLIESH.
MDCCCLVIII.

B29889.10.8



*Gift of
Alexander Cochrane
of Boston*

To those Individuals who have favoured the Compiler with
the Contributions to which their names are attached, he begs
leave to tender his sincere thanks.

HAWICK, *January 1858.*

NEILL AND CO., PRINTERS, EDINBURGH.

TO

JAMES DOUGLAS, ESQUIRE,
YOUNGER OF CAVERS,

FELLOW OF THE SOCIETY OF ANTIQUARIES OF SCOTLAND,

A ZEALOUS AND CAREFUL INQUIRER

INTO OUR LOCAL ANTIQUITIES,

THESE PAGES

ARE RESPECTFULLY INSCRIBED.



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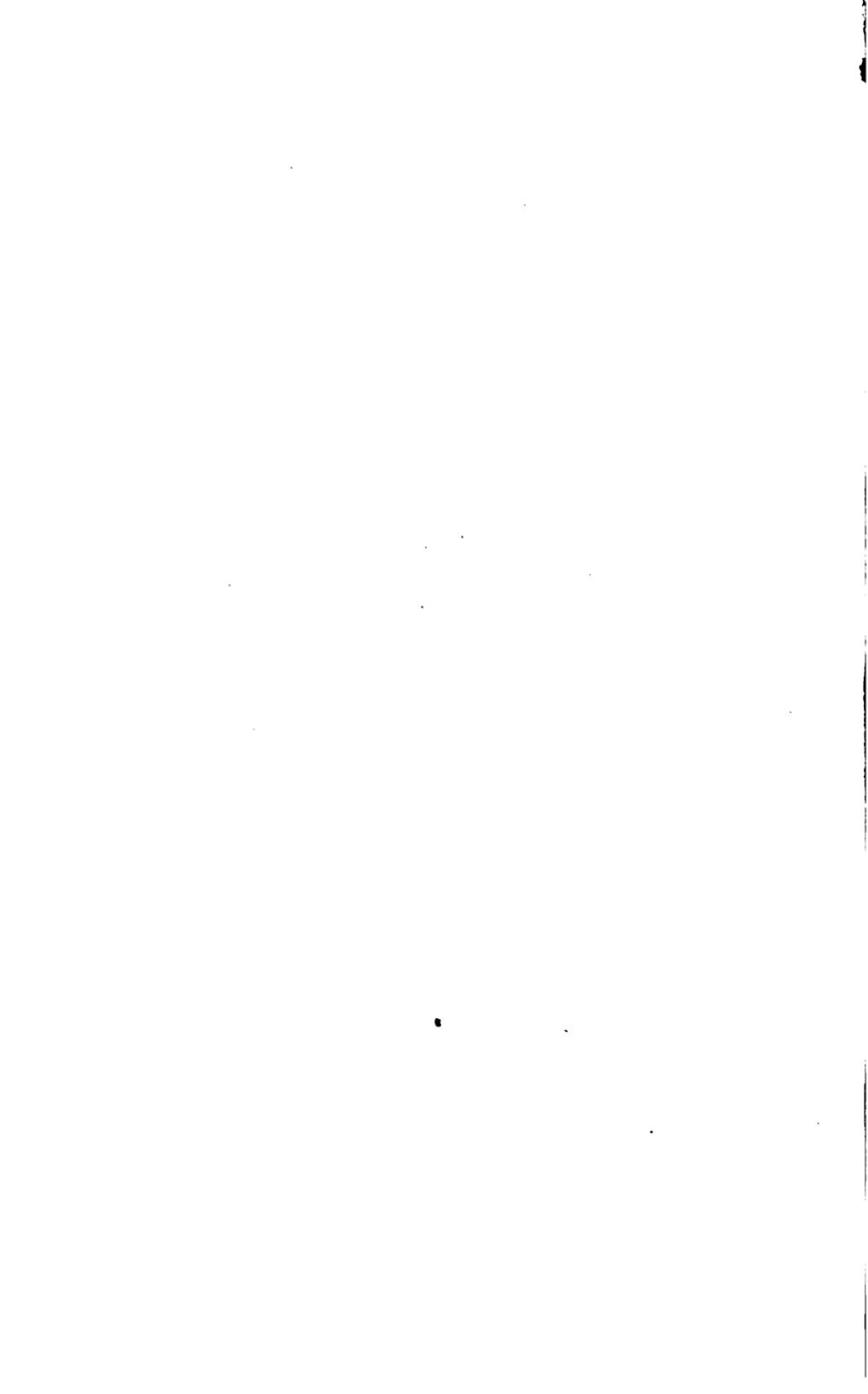
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ERRATA.

It is stated in the *Annals of Hawick*, p. 348, that the Chapel of Ease mentioned by Reginald of Durham, as situated on the river Slitrig, was probably on the lands of Penchrise. That a religious house stood there is affirmed by oral tradition, but the chapel dedicated to St Cuthbert, to which Reginald refers, where miracles were performed, was within two miles of Hawick, and consequently a different house altogether from that at Penchrise.

Page 325. In the same work, for dykes of Goldielands *read* ditches ("fossas de Goldbankis").



HAWICK AND ITS OLD MEMORIES.

A.D. 1183.

THE period of *foundation* of Hawick Church is unknown, but probably one of the chaplains, William and Algar, who witness a charter previously to 1183, and John of Hawyk, chaplain, who appears in the rolls of Edward III. and Richard II., ministered at the altar of St Mary in this church.—*Origines Parochiales*, i. p. 339.

Henry Lovel was Lord of Hawick.—See *Appendix*, III.

1297.

Longueville or Langlands is traditionally said to have been a pirate, whom Sir William Wallace encountered and overcame at sea, and whom for his bravery Sir William invited to settle in Scotland, an offer which was accepted. The more trustworthy account of Miss Langlands of Hawick, the last of his descendants who bore that name, was, that her ancestor came over with the Conqueror, a tradition to some extent confirmed by their motto, “*Bon esperance*.” The armorial ensigns of the family, with the

A

additional or separate motto, “*Spero*,” were lately visible on a panel over the family’s place of sepulture in Wilton Church. This was near the east end, and probably close to the site of the ancient altar, a circumstance indicating the antiquity and distinction of the family.*

1388.

The battle of Otterburn, between Douglas and Percy, was fought 21st July.—See, in *Appendix XIX.*, *Pedigree of the Family of Douglas of Cavers.*

1403.

“ In June 1403, the Percies besieged a tower named Cocklawis, or Ormiston, and agreed with the owner that he should surrender, if not relieved by the Regent of Scotland before Lammas. Albany, upon receiving this intelligence, assembled his council, and asked their opinion whether the place should be relieved or no? All the councillors, who knew the Duke’s poverty of spirit, conceived they were sure to meet his wishes when they recommended that the border turret should be abandoned to its fate, rather than a battle should be hazarded for its preservation. The Regent, well knowing the secret purpose of the Percies, whose forces were

* In 1451 King James II. granted a charter to John Langlands of the Barony of Wilton and of Langlands Hill, in the county of Peebles, on the resignation of his father James. Langlands Hill appears to have been the original seat of the family.—*Note communicated by John Scott Chisholm of Stirches and Whitehaugh, Esq.*

about to be directed against England, took the opportunity of swaggering a little. 'By Heaven and St Fillan,' said he, 'I will keep the day of appointment before Cocklawis, were there none to follow me thither but Peter de Kinbuck, who holds my horse yonder.' The council heard him with wonder and applause, and it was not until they reached Cocklawis with a considerable army, the Scottish nobles learnt that what had given this temporary fit of courage to their Regent was the certainty that he could not meet Hotspur, of whose death and defeat at Shrewsbury they were soon after informed. The cowardice of the heart is perhaps better learned from a fanfaronade of this kind, than from an accidental failure of the nerves in a moment of danger. Some proposals made for peace only produced a feverish truce of brief duration."—*Sir Walter Scott's History of Scotland*, i. p. 239.

This raid was intended by the Percies in consequence of Henry IV. having, after the battle of Homildon, bestowed upon the Earl of Northumberland, this same Sir Henry Percy, all Teviotdale, including the whole earldom of Douglas and their territories. (*Rymer's Foedera*, viii. p. 289). Cocklawis probably then belonged to Gladstains. It certainly did so afterwards.—See below in 1574.

1435.

William of Hawick, prebend of Guthrie.—*Black's History of Brechin*, p. 37.

1451.

The baronies of Sprouston, Hawick, Bedrule, and Smallhome, were given in free regality to William Earl of Douglas.—*Parochiales Origines*, i. p. 441.

1477.

Master Alexander Murray, parson of Hawick, was director of the Chancery.—*Ib.* i. p. 527.

1481.

Master John Prestoune (Hawyc) bachelor in decrees and perpetual vicar of Dunlop.—*Ib.* i. p. 499.

1511.

King James IV. granted a charter of the barony in favour of Sir William Douglas.—See it in *Appendix*, IV.

1514.

In a letter of Lord Dacre to the Privy Council, dated Kirkoswald, May 17, 1514, he says, “He has burnt and destroyed six tynes mor townys and houses within the west and mydil marches of Scotland in the same season than is done to us. For the water of Liddall being xii myles of lenth within the middill marches of Scotland, whereupon was cth pleughes: the water of Ludder in the same marches beying vi myles of lenth, whereupon was xi pleughes;

the two townys of Carlangrigges, with the demaynes of the same, which was xi pleughes ; the water of Ewse beying viii myles of lienth in the said marches, wherein was vii^{xx} pleughes ; the hede of the water of Tevyote from Branxhelme up into Ewse doores within the same marche, beying viii myles in lienth, wherein was iiij^{xx} pleughes ; the water of Borthwike, within the same marche, beying in lienth viii myles ; that is to say, from Borthwiche mouthe to Craikecrosse, wherein was cth pleughes ; and the water of Ale, from Ashridge to Elmartoure, in the said mid. M. S., wherein was L. pleughes, lyes all and every of them waist now, and noe corne sawne upon none of the said grounds, which grounds is over and besydes the great rode (raid) that I made in the said mid. m^e upon Martilmas day last past, the contents whereof I wrote to the King's grace by poost." *

1530.

John Hawick was a priest of Glasgow, and notary-public.

It is stated in the *Border Exploits* that Johnnie Armstrong and his adherents were *strangled* by King James V., and according to tradition buried in Carlanrig chapel.

In that curious metrical "Treatise callit the Palice of Honour,. compylit by Mr Gawine

* Communicated by the Rev. James Morton, Holbeach, from, he thinks, a Harleian MS. in the British Museum.

Douglas," there occurs the following passage,—

“I saw Raf Colziar with his thrawn brow,
Crabbit John the Reif, and auld Cow Kewpis sow,
And how the wran cam out of Ailssay.”

Some commentators conceive that Johnnie Armstrong is the person here alluded to, but others, with greater appearance of probability, maintain that this “John the Reif” must have been of more ancient date.

1533.

In an inroad of the English, under the Earl of Northumberland, they burned the towns of Whichestre, Whichestreholme and Whelley (Whitlaw ?), and also a town called Newbiggyns.—*Lay of the Last Minstrel*, quoting Cottonian MS.

1535.

About this period the towns of Denholm and Cavers were burnt by Lord Dacre and Sir Kerstiale Dacre. Sir Walter Scott of Branxholm, for his alleged assistance given to them in 1535, incurred a forfeiture of his estates and dignities, against which he was reponed in a parliament held in 1542, on which letters were directed for publication at the market crosses of Edinburgh, Hawick, and other places. (See *Acts of the Parliament of Scotland*, ii. p. 414). Sir Walter had come in the King’s will, which was just a delicate way of pleading guilty. This affair

probably arose out of one of those baronial feuds then so common.

1547.

The Elliots submitted to England, and gave pledges to Lord Wharton. They are only rated at 74 men. (*Bell's MS. History of Cumberland*, and *Dalziel's Fragments*.) The Armstrongs were a more powerful and numerous clan, who also submitted at the same period, and are rated at 300 men.

1566.

Queen Mary's journey to Hermitage, by way of Hawick, took place on 16th October.—*Morton's Annals*, p. 42; *Parochiales Origines*, vol. i. p. 379; *Border Exploits*, p. 101; see *Annals of Hawick*, p. 330.

1571.

(*Reg. Secreti Consilii*, 1571, p. 95.)

Apud Leith 22 die mensis Februarii, Anno
Dni J^mv^clxxj (1571-2).

The quhilk day Allane Denys, George Maxwell, Johnnie Scott, callit Philpis Jok, and Robert Scott, indwallers of Hawick, enterit pleyers for themselffis and the remanent inhabitants of the town of Hawick, for observation of the conditions above written and maid faith, and William Ker of Caverton, Kny^t, became cautioner and souirtie for the saids personis to enter thame befoir my Lord Regent's Grace,

and Lords of Secrette Counsall, upon 15 days warning, ilk person under the pane of 500 merks. (The object of this engagement has not been discovered.)

1574.

Apud Edinburgh, quinto Februarii 1574-5.

Cau. for the men of Hawik. The quhilk day Walter Scott of Goldelands, and James Gledstains of Cocklaw, is become actit and oblest, conjuctlie and severalie, to enter and present Allan Denys, Johne Scot, sone to Philpis Jok, and Jhonie Caveris, indwellaris of Hawik, befoir my Lord Regent's Grace and Lordis of Secret Counsal, and ilk of them under the pane of one thousand poundis. (*Reg. Secr. Concilii*, p. 289.) This had probably some connection with the affair at Reidswire.

1578.

Died Sir James Douglas, superior and granter of the *magna charta* of the burgh.—See *Appendix, XXII.*

1580-1.

“H. Carre lycensed unto him a ballad of a rade made into Lyddesdale by certain English gentlemen of the Phenix (Fenwicks) and others against the Elliots for deadly feud, the original whereof began by the Elliots beyng Scots (Scotch) at Kyrkeseal in Scotland for c. years past.”—*Register of Stationers' Company*; *Shakespeare Society's vol. for 1849.*

1604.

Hugh Boustoun was a notary-public in Hawick.

1623.

Alexander Wishart was a notary-public in Hawick.

1627.

The lands in the parish of Hawick were valued.
—See *Appendix*, VII.

The Privy Council grant warrant to charge the bailies of Hawick to exhibit before His Majesty's Chancellor certain persons named, that order might be given for their employment in the wars.—See *Appendix*, VI.

Andrew Sword was a notary-public in Hawick.

Great ignorance is stated to prevail, for which the want of schools is assigned as the chief cause.—See *Appendix*, VII.

There were 800 communicants at the parish church.—See *Appendix*, VII.

1629.

The Supreme Court sustained a sasine of a house in Hawick, upon no other warrant than a retour, without either a precept out of

Chancery, or a precept of *clare constat* from the superior.—Case of Scott *v.* Deans, *Morrison's Decisions*, p. 6899 ; see *Appendix*, V.

1636.

The Earle of Queensberrie grants a discharge to the bailies of Hawick for L.52, 10s. money of Scotland, in payment of the third and last term's taxation granted to his Majesty in 1630, more also of the first, second, and third term's payment of the taxation granted to the Lords of Session in 1633, imposed upon the L.7 lands or particlates of the town and commontie.—(See the Act 1633, c. 22, imposing this tax.)

1637.

John Richardson was a notary-public in Hawick.

1639.

The said day, Thomas Olipher actit himself not to weir nor carie ane whinger about him within the freedom of Hawick for ane yeir to cum, under the pane of twentie pundis money.
—*Council Records.*

1640.

A debtor was ordained to pay his creditor 6 dollars at fyftie-aucht shillings the piece. The following year these are estimated at 54/ each.
—*Ib.*

1641.

Isobel Morlaw was decerned to pay Helen Deans 24 shillings Scots in satisfaction of 50/- promittet to Helen as fee from Whity. 1640 to Martinmas thereafter, but assoilzied fra her hois and schone.—*Council Records.*

1645.

The battle of Aulderne was fought, at which Lieutenant Francis Gladstains of Whitelaw was slain.—See *Appendix, XXII.*

1645.

The severe laws enacted at this period by the town-council against parties proceeding to distant places to shear, are traditionally stated to have originated in the belief that they often went as far as the fen country, and were thus the means of introducing ague into the town.

1649.

Assaults were common ; the weapons “branke, of a naig,” “ane chanter,” “ane battone,” “ane tin pynt stope,” “ane yairne winnel blaid,” “ane stalf,” “ane rock,” “ane nolt horne,” “ane whinger,” “ane rung,” “ane cultar irne,” “ane pleugh staff,” “ane durke,” &c.—*Council Records.*

1650.

Ane bed of plantis costs 18 shillings Scots.—*Ib.*

1651.

George Scott was fined L.10 for keeping false weights, viz. "Flemes wecht for French wecht."
—*Council Records.*

1656.

"Assoilzies Walter Scott, Westport, fra the clame persewet be John Scott against him for upholding of the thrie barrels of *strong watters* coft be the said John Scott fra him to be 24 stoupis, and ilk ane of them wantit 4 stoupis, upon the defender's oath given that he never upheld nane of them."—*Ib.*

Walter Mairteen was schoolmaster in Hawick.

1657.

The said day Robert Hardie being accusit be the procurator fiscal for the blaspheming of Walter Purdom and James Thorbrand, *commissioners for the town of Hawick at Kelso*, and calling the council's officers men-sworn lowns, was fined L.10 Scots.—*Ib.*

1658.

Margaret Oliver was fined 50/- for calling Isabell Scott, witchesgait, and saying that she devoored her awine child under her arm, with many other malicious words.—*Ib.*

[It is stated in a late publication (*Jeffrey's Local Antiquities*) that women were burned for witchcraft in Jedburgh so recently as towards

the close of the seventeenth century. Although the bailies of Hawick exercised criminal jurisdiction coextensive with the magistrates of royal burghs, including trial by jury, it is to their honour that no such atrocities can be laid to their charge.]

Samuel Newbie was ordered to pay 4 mark for both-meall (booth rent) quhil Whitsunday, and William Scott the same sum for his booth.

—*Council Records.*

(The place of slaughter and sale was then one and the same, and this continued to be the practice until after the commencement of the present century).

William Scott was ordained to pay L.6 for the liberty of the burgh, "fourtie shilling being deduced for the buttis bigine."—*Ib.* (See *Appendix*, I. 4.)

1662.

Sir William Douglas of Cavers was removed from his office of sheriff of Teviotdale (in which he stood infest) for refusing to take the declaration which abjured the National Covenant, and adhering to the ministers ejected in 1662. His widow was in 1682 indicted for being present at conventicles, and fined in L.500 sterling, and sent to prison, where she was confined during some years. The tenants on the estate being harassed by arrestments for this debt, and called

on to pay their rents twice over, petitioned the Privy Council for relief, stating that "all our goods consist of a few noute, and sheep, which, through this stormy winter that lay very heavy upon our grounds, are now reduced to a very small number, and if they shall be poinded and driven from us, there will be nothing remaining for us but what we can have by begging our bread in the country."—See *Ladies of the Covenant*, and *Appendix*, XIX.; *Pedigree of the Douglas Family*.

1067.

Messrs Thomas Nicolson and John Gilmuir, advocates, were consulted regarding the tenure of the burgh.—See *Appendix*, V.

1668.

George Scott of Bonraw was bailie-depute of the lordship and regality of Hawick. He was then residing within the toure of Hawick, commonlie called Drumlanrig's Toure. At the request of the bailies of Hawick, he liberates furth of the said toure, where they were incarcerated,* having been fined of L.10 Scots each, for "ryving of others hares," three persons named Bridgs. The Bridgs bring an action before the Supreme

* In former times our Barons had prisons in their castles, kept for the punishment of delinquents within their own jurisdiction. The prison in the tower here referred to, now used as a wine-cellar, still remains; and, being without ventilation or light, it affords us some means of judging of the nature of imprisonment in these days of baronial power.

Court, for reducing this decree, the result of which does not appear.

William Paisley, cordiner, burgess of Hawick, is procurator-fiscal of the regality court.

1669.

Walter Scott of Harwood, bailie of the regality of Hawick, under William Lord Drumlanrig, craves of the bailies of Hawick the key of the tolbuith, that he might hold courts therein in his Lordship's name, as having right thereto in all time coming; against which the bailies protest; but declare their readiness to comply, if he would first give it in writ under his hand that the tolbuith is only to be held simply for the holding of courts therein for the time, and that they are to pretend no right of property therein; of which the said Walter Scott altogether refused to accept, affirming him to have no commission of said Noble Lord for that effect.—*Council Records.*

1670.

Andrew Rutherford, notary-public, was town-clerk.

The council willingly and voluntarily imposed on the town 100 merks Scots, as the first stent for sclating and repairing of the Kirk of Hawick, *now ruinous.*

1672.

It is stated in the *Annals of Hawick*, that the particat* men were accustomed to render homage to their superior yearly at Drumlanrig. The subjoined letter, lately recovered, confirms the tradition.

Letter, Thomas Rutherfurd, Bailie of the Regality of Hawick, to the Inhabitants of Hawick.

“Jedburgh, 5 8^{bris}, '72.

“ASSURED FRIENDS,—I have just now received ane anser to myn to my Lord, by which his Lordship remitts absolutely to me anent the dispensing with all or any of you whom I think expedient in going or not going to his Michaelmas heid court at Thornhill, and being verrie sensible of the bad condition your cornes are in at this present, I doe hereby exoner yew and all of yew within the town of Hawick from the trouble and expenses of this journey, and shall frie you from any trouble or expenses you shall sustain be your staying from Thornhill at this

* The term *particat* occurs in the Laws of the Four Burghs, the legislative acts of David I., and the earliest collected body of the laws of Scotland which we possess, where “unam particatam terre” is rendered “ane rude of land.” An old undated statute, intituled “The mesur of the rude,” bears, “The rude off land in baronyis sal conten 6 elne, that is to say, 18 feet off a mydlyn mane; the rude off the land in the burghie, mesurit off a midlyng mane, sal be 20 feet.”—*Acts of Parl. of Scot.*, vol. i. p. 387.

Michaelmas Court, quh is all at present, in haist, from

“ Your affectionat friend,

“ (Ss.) THO. RUTHERFURD.

“ I wrot the last day from Hawick to Robert Allexr, that if my Lord dispensed with your journey, he sould not be ane looser, for y^t yeu wer in use to pay him ther. I assured him of it, quh he will refer to yorselffis.”

Addressed—“ To the inhabitants of Hawick. To be communicat from hand to hand. This haist haist. The beirer is satisfied.”

Thornhill is the baronial village of Drumlanrig Castle.

A proposal was made to divide Hawick common between Lord Queensberry and the burgh.
—See *Appendix*, VIII.

28th October.

Thomas Rutherfurde, bailie of regality, when about to set the fair, is importuned by the two bailies not to suffer the drummer and pypper of *Jedburgh* to go through the town for setting the fair, but the town drummer and pypper of Hawick only, to which he consents. The bailie calls the roll, in the *churchyard*, of all the townes inhabitants for attending the rydeing of the fair, and is then attended through the town be the townes twa bailies, James Lethen the ane

of the Erles officers, the townes twa officers, with the whole body and incorporation of the said town of Hawick.

October 20th (new style 8th November), St Simon and St Jude Fair is held, when a riot takes place.—See *Appendix, IX.*

Walter Purdome, late bailie, as having commission in the necessary absence of Walter and William Scotts, the twa present bailies, fines a party for riot.—*Council Records.*

1673.

James Leithan was procurator-fiscal of the regality of Hawick.

The bailies and other parties were indicted before the Privy Council for riot, &c.—See *Appendix, IX.*

Robert Scott of Horsliehill was charged by protest with having masterfully spuilzied out of James Liddell's house five firelocks with ane pair of bandeliers belonging to the town.—*Council Records.*

1674.

John Douglas, in Betherrool milne, was fined for forestalling the market by his selling meal at twa prices in ane market day.—*Ib.*

1675.

A party was fined for having sold in open market ane half peck of insufficient humillcorn meill, out of which there was dight ane choppin dish full of rouch seids.—*Council Records.*

The barony passed from the Drumlanrig to the Buccleuch family.—See *Appendix*, II.

1676.

The quilk day, Margaret Weins, her pecke being found to the measure of ane double gill short of the ordinar gadg of the town; Mary Sanderson, her half-pecke ane mutchkin short; John Scott, Wyndheads, and Robert Taylor's half-pecke near ane half-fourpitt short; Alexander Hislop and Adam Young's half-pecke ane inch short or thereby; Sanders Weins' half-pecke about half ane inch short, being exactly tried, compaired, and measured with the ordinar gadg, by James Liddell, in presence of divers and sundry witnesses, upon complaint given in not only by the tacksman of the Duke's measures for making use of other measures besides his, but also by ane great number of poor people, both in town and landward, who daily cried out anent the insufficiency of the same, the hail forenamed persons were therefore onlawed, conform to the practic of said town, and said measures ordained to be seques-

trate till 29th of May, and then taken to the cross and brunt altogidder.*

The quhilk day, James Henderson, in Borthwickshiel, was amercite and onlawed conform to the acts, for committing of ane ryott upon Margaret Scott, goodwife of Coudhouse, and that in regard the procurator-fiscal referred the verity of the libel anent the ryott to Margaret Scott's oath, who being sworn, made faith he gave her a blow foragainst the heart.—*Council Records.*

The said day, James Henderson, in Langsynowne, and James Henderson, his son, were each of them onlawed and amercite, conform to the acts, &c.; old James for coming and forcing of the tolbooth of Hawick, by endeavouring violently to take away his son James out of the said prison, in which he was incarcerated for the foresaid ryott, and his committing of ane ryott upon above twenty persons, whereof the baylyea and clarke wer a part; and also the said James Henderson younger was onlawed for his concurrence and assistance.—*Ib.*

The quhilk day, Samuel Newbye was onlawed

* It is probable that a day towards the end of May (see *Annals of Hawick*, under date 1214) was set apart by the burghers for paying honours to their tutelary saint, to which could be hooked on any other public ceremonial, such as the common riding or the present affair, one airing of their holiday suits thus answering the purposes of several.

and amerciate in two ryotts upon Andrew Trumble and Andrew Wilsone, masons, as also in L.10 Scots, for casting downe the mason work at his own hand without ane complaint first made to the bailies thereof.

The quhilk day, the weights of the persons respectively under written, being by the baylyeas put to ane exact trial, at the sight of James Liddell and Walter Gladstains, merchands, were found lighter each of them as follows, viz., James Scott Laird's quarter of ane pound wanted ane drop, his twa unce wanted half a drop and more ; William Trumble, in Jedburgh, his quarter of ane pound wanted half ane drop ; Janet Burnes' quarter of ane pound wanted ane drop and a half, and her twa unce wanted half ane drop ; John Trumble's quarter wanted ane drop ; Stephen Oliver's daughter's quarter of ane pound wanted twa drop, and her twa unce wanted ane drop ; in respect of all which they were all of them accordingly onlawed.—*Council Records.*

The quhilk day, Isabel Stuart and Janet Holywell was onlawed and amerciate for ane ryott with each other, and the said Janet Holywell in ane provocation for taking of her stand, *ane flaick being laid there before*.—*Ib.*

1679.

The said day, Janet Henderson was cited for scandalizing and taking away the good name of

John Moore, servant to Walter Scott of Westport, by alleging of his taking or stealing of ane pair of plaiding hose off some thorns, which she could not make out.—*Council Records*:

1680.

The quhilk day, anent the complaint given in by W^m Finlaw, shoemaker in Selkirk, against Margaret Mertein in Barnknow, for the stealing and theftuously away taken out of his craime in open market ane pair of single soled shoes. Compeared the said Margaret Mertein, and confessing ingenuously that she did come to his craime, and away tooke the said shoes and had them beneath her plaid when he followed and came and challenged her, but allegit it was with ane resolution after she had shewn them to some friends, who were not far off at the time, to come back with the same; whereupon the baylyea did examine her, if before she took them away she either made price with the pursuer, or askit his liberty to goe that lenth with them? which she also ingenuously acknowledged she did not. In respect whereof the said baylyea found her guyltie of the foresaid cryme; and onlawes her to be punished in her person and goods.

1682.

John Clunie, barber in Hawick, is named as one of those who were present at conventicles, &c.—(*Ladies of the Covenant*, p. 318.)

1683.

Robert Allan, cordiner ; William and Henry Hardies, and John Scott, Whiteyetts, were all summoned for throwing of stones over the water of Teviott, whereby they did not only wound and bleed under cloud of night Elspeth Scott, servitrix to baylyea Scott, Ormestowne, and Isabel Hardie, daughter to Robert Hardie, couper ; but also to the said baylyea, his great hurt and prejudice, did, by the throwing of the said stones, not only feare the maids from watching of their linen clothes was lying bleaching at the water, as use is, but also rendered them and the other clothes pertaining to James Bryden altogether useless, to the loss and damage of L.100 Scots ; and not compearing, are onlawed in L.10 Scots for their contumacy, and ordained to be summoned *sub periculo* to the next court day, and to be charged instantly to make payment of their fine and onlaw, except John Scott, whom the baylyea excused in respect of his confession and coming in will.—*Council Records.*

The quhilk day, Adam Brown younger, weiver, called of Headhous, was amerciate in ane egregious and the most insolent degree of all degrees of insolence and contempt done against the bailies when sitting in ane fenced court, after that he had broken prison before and disobeyed the baylyea when commanded to re-enter the said prison, he most insolentlie broke the said prison of new again, in face of fenced court,

and drew to the tolbooth door at his backe, and ranne up and down the town, and without the liberties thereof, more like ane mad and distracted man than a reasonable person, who had solemnly made and given his burgess oath, and therefore onlaws him in L.20 Scots, and to ly in stocks during the baylyeas will and pleasure.—*Council Records.*

The said day, John Briggs, flesher, was amer-
ciate for giving two provocations, one against
William Pasley, and the other against Michael
Trumble, by calling of them two drunken elders.
—*Ib.*

The quhilk day, Francis Gladstains, wright,
was onlawed in ane ryott committed by him
upon baylyea Thorbrand, as also in ane spuyleya,
in violentlie taking 4 dukes on the street, which
the baylyea had *first caught*.—*Ib.*

The bailies found by the Supreme Court
“competent, though only *judices pedanei* of a bar-
ony,” to fine the weavers for working linen cloth
narrower than an ell and two inches, in contra-
vention of the Statute 1661, cap. 43. The wea-
vers, who are stated to have been 19 in number,
had been each fined L.20 Scots, and imprisoned
for their contumacy in not deponing, and till
they should pay their fine.—See *Fountainhall's
Decisions.*

1684.

William Scott of Clarilaw was chamberlain to the Duke and Duchess of Buccleuch.

1686.

A party was fined in ane spuylea for abstracting and resetting of lyme from the *Church Styll* building.—*Council Records.*

1687.

The “Incorporation of Merchants” did send “till Holand, buy and from thence bring home to the toun ane Holland brasen trone, to be ane true and just standard for the trial of their weights amongst themselves,” and also “ane just and true standard, for ane elwand after the form of any other standart, vizt., to be made of iron jumpt after the length of the standart elwand of the town and burgh of Jedburgh for tryell of the ellwands.”—*Ib.*

1688.

Thomas Oliver complained of having been assaulted “in the common Heigh Street of Hawicke, when he was bringing in *heather* for use of the said towne.”—*Ib.* [Heather was used for fuel. Even subsequent to the commencement of the present century this practice was followed, *birns* (burnt heather) being the name given to the material.

1689.

Mr John Langlands, the Episcopal minister

of Hawick, was deprived of his living.—See *Appendix*, XIV.

1695.

Marion Wright was ordained to pay for 10 ells of sheets woven in the *Holland reid*, 5 groats the ell.—*Council Records*.

1696.

“ James Logane, merchant, sometime in-dweller in Kirkpatrick parish, upon the Water of Ore in Galloway, has incorporat himself within this town and brugh, and has found Walter Graham, merchand, acted as cautioner for him to underly all stents, burdens, and impositions to be laid upon him as burgess, in respect whereof he was admitted and created burgess.”—*Ib.*

William Rutherford was elected interim town-clerk.—*Ib.*

The Scottish Parliament appointed two yearly fairs to be held at Denholm on 16th June and 5th November, each to continue for 8 days.—*Acts of Parliament*, vol. x., p. 110.

1697.

Margaret Drummond was convicted of stealing “buskins,” “ane woman’s head-dress called ane sett out,” “ane feathered laced napkin,” some ells of litted stuff,” “ane stuff petticoat which James Scott, litstor, or his son, dyed;”

“ane laced pinner,” “ane brass chandler,” “and ane sugger loaff of three pound weight.”—*Council Records*.

“Robert Scott, late chamberlain to Heychesters.”—*Ib.*

Robert Tinlin, weaver, was fined for publicly, in the face of the haill incorporation of weavers, giving John Swan, present quartermaster, ane lie, and farther fined when personally charged by Robert Rewcastle, present bailie, and his officer at his backe, to goe to prison, when he most insolently and contumaciously disobeyed, and wold not stirr ane foot.—*Ib.*

The said day, being within the Tolbooth, com-peared the said James Deans, and there for himself, and also in name and behalf of the above designed James Scott, Robert Wright, and Walter Gladstaines, protested that seeing, conform to the mutual transaction and agreement made at Edinburgh in presence and by the advice of the trustees and commissioners of the Duchess of Buccleuch, her Grace, there was ane vacancy and interregnum of the office of bailiary until ane new election to be chosen by persons already qualified, and who would to have ane vote qualify themselves, which was appointed to be upon the seventh of December instant, that until then the said Robert Rewcastle was no bailie, nor could officiate as such, nor yet convene ane council to any intent or purpose whatsomever,

and so consequently whatever he or they did vote, act, statute, or ordain, was *ipso facto* null and invalid, and ineffectual, and thereupon took instruments.—*Council Records*. [This transaction and agreement has not been discovered. The authority of the superior must at that time have been great, since he could apparently re-erect a disfranchised burgh.]

1698.

The Scottish Parliament appointed a market to be kept upon Wednesday weekly at Denholm.—*Acts of Parliament*, vol. x., p. 164.

In the year 1692, the burghs royal of Scotland adopted certain measures, which had for their object to communicate to the burghs of regality and barony throughout the kingdom, the benefit of their exclusive privileges of trade, upon condition of being relieved of a tenth part of their usual proportion of public taxation. These measures were approved of by Parliament in 1693 and 1698.—See *Appendix*, X.

To the list of landed proprietors given in the *Annals of Hawick*, p. 59, may be added—

“ Walter Scott of Girnewood (1628).
John Scott of Gilmanscleuch (1628).
Walter Scott of Howpasley (1507).
Scott of Sallenside.
Scott of Essenside.

“ Scott of Ashkirk.
of Milsington.
Robert Scott of Haining (1596).
Scott of Todshaw.
Robert Scott of Rankelburn (1415).
Symon Scott of Fenwick (1530).
Walter Scott of Cockerheugh (1723).
John Scott of Todshawhaugh and Langhope
(1486).
David Scott of Headshaw (1486).
Robert Scott of Quhitslaid (1643).
James Scott younger of Whitefield (1735).
Robert Scott of Dryhope (1640).
Gideon Scott of Utterside (1693).
Walter Scott of Weins (1688).
William Douglas of Hornyshore (1494).”—
See *Orig. Par.*, vol. i., p. 237; *Statutes* 1640 and
1693; and *Acta Dom. Concilii*.

1701.

Jedburgh, 10th June 1701, parishes given off
for Hawick's relieve of ye *unfrie trade*: Hop-
kirk, Souden, Castleton, Cavers, Kirkton, Abbot-
rule, Bedrule; landwart fra Hawick: Wiltoun,
Hassendean, or Roberton. The quilk day ye
representatives for Kelso and Hawick having
met, they unanimously agree that Hawick have
ye ten parishes above written, and Kelso and ye
oyr town conforme to the sederunt of this date.
(Signed) ROBT. HARDIE, WALTER SCOTT, A.
POTTS (*Town Clerk*).—*Council Records*; see
Appendix, X.

1710.

John Watson was clerk to the bailie of re-gality.

1715.

At Hawick Moor the Highlanders mutinied, and positively refused to enter England.—*Burton's History of Scotland*.

Robert Portous, shoemaker, was onlawed, conform to act of Parliament, for swearing by the name of God extrajudicially in ane lawful fenced court, when not required thereto.—*Council Records*.

1716.

David Miller was onlawed in ten groats, for calling Isobel Anderson ane liar in the fenced court.—*Ib.*

1718.

At Stob's Castle, near Hawick, the seat of his father Sir Gilbert, was born George Augustus Elliott, created Lord Heathfield, a distinguished soldier. He died in 1790.—See *Appendix, XX.*

1723.

The kirk-session proposed to have the church enlarged, and also that the churchyard should be closed about with a dike. The churchyard was not actually enclosed, however, until about the year 1811.

1728.

At Minto, was born Miss Jane Elliot, daughter of Sir Gilbert Elliot, Lord Justice-Clerk, authoress of "The Flowers of the Forest." She survived till after the commencement of the following century.—See *Appendix*, XXI.

1736.

Robert Howison was bailie-depute of the regality of Hawick. In 1740 Walter Scott held that office.

1737.

Mention is made in the Burgh Records of that part of the common called *Usuch* Haugh. This seems to have been on the banks of Slitrig, close to the town, and now probably forms the site of the Episcopal Chapel. *Usuch*, perhaps useless—or "To ische, to clear—To cause to issue." "An maisser (officer) shall *ische* the council-house (Acts James V., c. 50), i.e., clear it by putting out all who have no business." (*Jamieson's Dictionary*, v. Ische, see also v. Usche.) In 1589 the town-council of Glasgow ordained that "na flesheouris teme uschavis (deposit offal) upoun the hiegait, nor in the meill or flesche mercattis."

1745.

"Inventory of some baggage seized in the town-house of Hawick this 25th November, 1745, by a party of militia from Berwick, in

virtue of an order from General Fleming :—
Imprimis, Two bags of tent-pins, five targets ; Item, 110 canteens, or white iron flasks : item, 11 tents furnish't." Recd. granted to the bailies therefor, by John Trotter, lieutenant of the Berwick regiment.

1751.

April. Died Francis Duke of Buccleuch, who was succeeded by his grandson, Duke Henry.

1752.

The carpet manufacture was established at Hawick in this year, the inkle manufacture in 1783, and the manufacture of cloth in 1787 ; but these branches ultimately merged in that of the stocking manufacture, which was begun in 1771. The person who first engaged in it was Bailie John Hardie, who for some time employed four looms, which on an average produced annually about 2400 pairs of stockings, mostly of the coarser kind. He is understood to have been the first manufacturer of stockings in this part of Scotland ; and by persons taught in his shop the manufacture was planted in Wooler, Kelso, Jedburgh, Langholm, Melrose, Selkirk, and other places. In consequence of family distress, Mr Hardie abandoned the trade after carrying it on for two years, when it was taken up by Mr John Nixon. (*Gazetteer of Scotland*, by R. and W. Chambers, 1832.) In 1778 Lord Chief Baron Montgomery thus addressed the magistrates of Hawick, from his

house at Whim: "Gentlemen,—The good offices you allude to, merited no such present as you have sent me. But as it is the manufacture of your town, I accept of it cheerfully; and I can assure you it gives me great pleasure to see that your manufacture of carpets is so far advanced. I did not know that any carpets of such a size, without a seam, had been made in this country.

"I am now building a dining-room here, the floor of which I hope your carpet will fit; and I will always be glad to see any of the gentlemen of your town at my table, sitting upon it. I am, with great esteem," &c. &c. See below, 1784.

1757.

At Hawick died Robert Scott, surgeon (it is believed Laird of Brieryhill), 14th in descent from the Baron of Buccleuch.*

1759.

Henry Scott, a native of Hawick, greatly distinguished himself at Quebec.—See *Appendix*, XXII. 4.

1762.

Wilton church was rebuilt.

* It was here intended to have inserted the pedigree of the family of Scott of Stokoe or Todderick, an interesting tract which had become extremely rare. This, however, has now become unnecessary, in consequence of its recent republication by Mr J. G. Bell, publisher, Bedford Street, Covent Garden.

1763.

When the parish church of Hawick was rebuilt at this period, the south front-wall was found to interfere at one spot with the place of sepulture, for two centuries subsequent to 1443, of the Scotts of Branxholm. To obviate this difficulty, an arch was formed in the wall, which is still visible, termed the Duke's Arch, the position of which indicates the probable site of the altar in the old church.—See *Appendix, XI.*

1767.

A great flood occurred in the Slitrig.—See *Appendix, XIII.*

1769.

Died Mr Robert Ricalton, minister of Hope-kirk, an eminent divine.—See *Appendix, XV.*

1770.

The number of houses in the town of Hawick, belonging to burgesses, amounted to 206, which produced, of yearly rent, L.1537, 6s. 6d. sterling, valued at L.31,134 sterling, which were distributed thus:—

“ Eastend, 96 . . .	L.17,773
Westend, 110 . . .	13,361
	<hr/> L.31,134

Correct Annals of Hawick in this particular, under date 1774.

1772.

Dr Charters was translated from Kincardine to Wilton.—See *Appendix*, XVI.

1777.

Finlay M'Lennan was Episcopal minister of a congregation at Hawick.—*Parish Register*, 1777.

The grammar school colour was, about this date, carried for the last time at the common riding. This pennon is still preserved.—See *Appendix*, XXII. 6.

1784.

About this period the practice of riding the common *holstered* was discontinued.

About this period John Webster, a suicide, was interred at the Dimples, where three lairds' lands meet.

“ It has pleased God to reward the distinguished industry of the people in this place with remarkable success.”—Address to the congregation in Hawick church, by the Rev. Dr Thomas Somerville of Jedburgh, at the admission of Mr Sharp, in September 1784. It is added in a note: “ Various branches of manufacture were at this time flourishing in Hawick.”—See *Dr Somerville's Sermons*, 1813.

1785.

“The town of Hawick is in itself a very middling place, but its situation and its surrounding beauties are enchanting. Its bridges, and its views, from almost every part of it, are picturesque and highly gratifying to those who love nature in its true simplicity. Lord Napier’s house and woods, seen through the arch of the bridge over the Teviot, are well worth a wet walk, which I had to get a view of them.

“The town of Hawick is old and shabby, at least that part of it which a short half-hour of cessation of rain gave me an opportunity of seeing. I walked over the bridges, and below them to the water’s edge, and into the church-yard. Curiosity soon collected a small group about me, and I was somewhat mortified to find their language unintelligible to me; I learnt, however, there was a manufactory in the town of carpets, &c., but could not acquire a knowledge of particulars. Here I was confirmed in what I had often before observed,—that those who find they cannot be understood, immediately conclude the person spoken to must be deaf. Some young lads passing through the church-yard at Hawick whilst I was in it, with dogs, and some strange-looking things on their backs, I inquired what they were, and what they were going to do with them; but their language to me was as Arabic. On my shaking my head as a token of not understanding them, they began screaming in the highest note of their voices,

taking me, I suppose, for a deaf woman ; and at last we separated, laughing at our inability of understanding each other."—*Guide to the Beauties of Scotland, by the Hon. Mrs Murray of Kensington.* Date of journey 1785, published at London 1799.

1791.

Died James Wintrope, writer in Hawick, the last of the cocked hats. He was author of a Dialogue between Two Burghers regarding the ejection from his living of the Rev. Mr Williamson, Burgher minister, East Bank, Hawick, now a very rare pamphlet.

1793.

A tree to liberty was planted at the Cross.

Prior to this period the town was without a female dressmaker, ladies' dresses being manipulated by the tailors.

1795.

About this period died William Nicol, called Ernpistols, by trade a tailor. His wages as whip-the-cat, were sixpence per day. He was uncle of "Willie brewed a peck o' maut," in Burns' well-known song.

1800.

Died Bailie John Hardy, father of the manufactures of Hawick.—See *Appendix, XXII.*

1800.

At Bankend in Dumfriesshire, died Robert Patterson, *alias* Old Mortality, aged 88. He was born at Haggieshall, *alias* Burnflat, of which the family were proprietors in 1712, and was the younger son of Walter Patterson. The property seems to have been in the family in 1688, and was sold by his nephew, William Paterson, in 1753. It was described by Mr James Oliver, the late proprietor, as having been “ane nourice fee.”—See an interesting sketch of Robert in the Introduction to *Old Mortality*, since corrected, as above, by his two grandsons, who reside at Balmallend in New Galloway.

1806.

The burgh-officers were prohibited from being present during the deliberations of the town-council.—*Council Records*; see *Appendix*, XXII. 8.

About this period there was only one native of Ireland resident in the town, who, when teased by boys, was accustomed to threaten to tear their limbs from their bodies.

1809.

A cairn which had long stood on the Auld Caknow, about two miles distant from the town, was removed. “At the depth of 6 or 8 feet from the surface of the ground there were several large stones set on edge, somewhat in form

of a rude coffin, and inclosing a human skull, with several bones of more than ordinary size. It being well known that the Celtic tribes were in the practice of adopting this mode of sepulture, at least with persons of note, it is highly probable that these were the remains of one of their distinguished chiefs. Sepulchral urns have likewise been dug up in the upper district of the parish, which, though considered to be Roman, are more likely, from their rude construction, to be the relics of a more barbarous and less enlightened people." — *Statistical Account of Hawick, by the Rev. J. A. Wallace, 1839.*

1810.

At Ashkirk, died Thomas Hardie, D.D., minister of that parish.—See *Appendix, XVII.*

1811.

At Batavia, Island of Java, died Dr John Leyden.—See *Appendix, XVIII.*

1812.

A contest occurred for the representation of the county of Roxburgh; the candidates being the Honourable Gilbert Elliot of Minto and Mr Alexander Don of Newton, when the former was elected by a majority of 65 to 58. There were at this period only two freeholders in Hawick.

1814.

Died Sir Gilbert Elliot, first Earl Minto,

characterized by Sir Walter Scott, in his Life of Leyden, as a man of letters and a poet. He was also the zealous patron of men of genius.—See *Life of Leyden* by Morton, and of Campbell, by Beattie, and *Quarterly Review* for June 1852, p. 265; *Appendix*, XXI.

1814.

About this period died at Hawick two lone sisters, named Marjory and Isobel Hume, designated the *Tranties*, rather more intelligent than their neighbours in a similar humble condition of life. “*Tranty*, wise and forward above their age, spoken of children.” (*Grose's Provincial Glossary*.) It may be safely affirmed that this phrase is now obsolete here.

KIRK-SESSION RECORDS.

EXCERPTS THEREFROM 1700-1704, AND
1711-1725.*

N.B.—Scots money is meant where not otherwise stated.

1700.

The 29th of August was kept as a day of solemn fasting and prayer for a good harvest, and success to the African trade ; collection, L.8, 2s.

Item, Gideon Scott of Falnash did, in the name of the Duchess of Buckleugh, give in for the relief of the poor L.100, which was justly distribute among them.

1701.

Given in by John Waugh in Slatehills, after the death and burial of his son William, L.33,

* This session-book, which had been long lost sight of, has lately been recovered in Edinburgh.

6s. 8d.; and by James Ogilvy in Branxholm, after the death and burial of his daughter Jane, two dollars, with which, according to their desires, were bought Bibles, New Testaments, Psalm-books, and Catechisms, to be distributed among the poor in the parish.

Given to Mr John Purdom, schoolmaster, as the school wages due to him for teaching poor boyes, reckoning 13s. 4d. for each of them in the quarter, L.3, 4s. 0d. Similar entries frequently occur.

The session allowed Christian, Cate, and Isobell Weellands, to fix a *footgang* for themselves to sit on before the elders' seat.

Given to Robert Cook in Branxholm for teaching poor lads to read, L.3, 10s.

Item, collected for the harboury of Banff, L.5, 9s.

Gideon Scott of Fanes and others, were appointed to go with the minister to the presbytery of Jedburgh, to give in reasons against the legality of the call of Kelso, and to do all and everything necessary for obstructing his (Mr Orrok's) transportation to Kelso. Thereafter, they reported that they went thither, and because the presbytery did not sustain but reject their reasons, they appealed from them to the

synod, to meet at Kelso, wherewith the session were satisfied.

Mr Walter Gladstones, town-clerk, being delated for customary drunkenness, and particularly for being drunk at the burial of William Grieve in Commonside, and using expressions savouring of blasphemy in his drunkenness, was cited to appear this day, but did not compear.

* * * * *

Thereafter, being called before the session, he acknowledged that he was guilty of drunkenness and swearing, and promised, by God's grace, to walk soberly in time coming, and to endeavour, in his station, to suppress drunkenness and other disorders in this place.

1702.

The session allowed the minister to give, in their name, a testimonial to William Richardson and William Davidson, recommending them to the masters of the College of Edinburgh, where they are to enter *Bajons*.*

Walter Gladstains, late bailie, being delated for being drunk, denied guilt. * * *
Thereafter, he confess that he had been too often drunk in his time ; and the evil of his sin

* French--*bejaune*. A novice, an apprentice, a young beginner in any science, art, or trade. (*Jamieson's Scottish Dictionary*, article, *Bejan Class*.)

being laid before him, he promised to live soberly in time coming.

This day the minister intimated a fast to be kept on Thursday next, to the end that prayer and supplication may be made to God for the peace of Europe, the healing of the breaches which are in the Church and state, the success of the Gospel, the enlargement of Christ's kingdom, and a plentiful and seasonable harvest.

The session desired the minister to shew to the people that it was a thing unbecoming Christians to haunt or frequent change-houses, and that all sober people should be at their own houses before nine o'clock.

This day, an act of Council for a voluntary contribution for the relieving Thomas Heagie, and three others, taken and detained captives by Algerine pirates, being publicly read, the minister exhorted the congregation to extend their charity for that effect the next Lord's Day.

N.B.—Collected therefor, L.14s, 13s.

18th October, the sacrament of the Lord's Supper was celebrated, and the Saturday, Sabbath day, and Monday's collections extended to L.55, 12s. * * * *

November 22, it was L.3, 3s. Given to William Davidson, a poor scholar, L.5, 16s. *

* * * * Given to the presby-

tery bursar, L.6 * * *:
Item, to an honest family, L.6.

1703.

John Hart being cited to compear before the session for making a pennybryddall at his daughter Christian's marriage, which ended in scolding and fliteing, and was accompanied with several other disorders, though he was again and again desired to forbear, because such meetings had not only been laid aside this twelve months, bygone, for the manifold abuses and disorders that followed upon them, but were also contrary to the Acts of Assembly and laws of the kingdom; and being called, he compeared, and *upon his knees* acknowledged his guilt and profest his sorrow for what he had done, and prayer was made to God for him to grant him repentance and pardon for what he had done, tending to revive the cursed custom of pennybryddalls, and that God would give him grace to be watchful in time coming. The session suspended him from the office of an elder till they saw what his after carriage proved to be.

The session appointed a meeting for enquiring after the scolding and flyteing that was at William Olifer and Christian Hart, their marriage feast and *infare*.*

* The entertainment made for the reception of a bride in the bridegroom's house. (*Jamieson's Dictionary*, article *Infare*.)

In June there were distributed among the poor, L.7, 2s. 6d.; in July, L.12, 4s. 6d.; August and September, L.14, 15s; October and November, L.87, 3s.

A collection appointed for the relief of Stephen Turnbull in Branxholm and his numerous family of motherless children.

N.B.—Collected L.15.

Stephen Turnbull and Bessie Coutart, in Branxholme, compeared not, being called as witnesses, but the elders excused their absence because the water was *not passable*. [There was then apparently no bridge].

The session, the better to prevent tippling and excessive drinking, which was contrary to the Word of God, beget poverty, and are attended with babbling, and often end in fighting, and indispose men for all the duties of their general and particular calling, discharge all persons whatsoever to press or tempt any man to go to a change-house to drink, or to force any man, upon any occasion whatsoever, to drink more than he pleases, and that under the pain of being rebuked for the first fault before the session; and, for the second, before the whole congregation, and ordain such as prove obstinate to be proceeded against with the censures of the Church. The session have ratified and confirmed, and hereby ratify and confirm, the for-

mer acts made against drunkards and the haunters of change-houses after ten o'clock at night, and the change-houses that reset them after theforesaid time.

The collection gathered this day, to help to repair St Leonard's College, in the University of St Andrews, burnt by a casual fire, extended to L.17, 9s.

1704.

May 7th, collected in the Church for ransoming ane John Thomson from slavery in Algiers, who had an act of Council in his favour, L.16, 6s.

The session desired the minister to exhort the people, the next Lord's day, to forbear to mock God and the poor by casting into the offering dyts or any other money that is *not current*.

1711.

Item, paid to Mr Samuel Brown, bursar, for his year's bursary, L.6.

The session desire the bailies to take the doyts, put up in a bag, and sell them to the best advantage, and return the price thereof to the poor's box again.

No sermon, October 7th, and the people re-

sorted to Wilton, where the sacrament of the Supper of our Lord was administered.

1712.

The 20th day of January, a proclamation was read for keeping a fast-day, on Fryday the 25th day of the month, for good success to Her Majesty's and the allies' forces, both by sea and land, and for the happie issue to these bypast bloody wars, and for a happy conclusion of the peace.

There was found among the poor's funds a crown piece, consigned by Archibald Bennet of Chesters, before his marriage, in 1708, with Rebecca Langlands. * * * *

[“Chesters' crown piece” is mentioned repeatedly afterwards.]

Delivered to Bailie Martin, in name of Thomas Anderson, for teaching *poor lasses*, L.4.

Nota.—There was left in a bagg within the box, an half duccatoon, a five-groat piece, an old bad shilling, ane old fourteen, two seven shilling pieces, two old three shilling pieces, and of non-current money, L.1, 7s.

June 4th.—According to intimation made, the brethren of the presbytery, viz., Mr Mackay, minister of Jedburgh, Mr Cowden of Oxenholm, Mr Noble of Eckford, Mr Gustarth of Crelin,

Mr Edgar of Hobkirk, Mr Cranstoun of An-crum, Mr Richie of Mynto, Mr Bell of Cavers, Mr Douglass of Kirkton, mett and before sermon (made by the said Mr Gustarth), the presbytery officer, after three oyesses, ordered all persons att the most patent kirk door immediately to appear before the aforenamed brethren, to give in their reasons (if they had anie) to object why Mr Cunningham might not be admitted and this day fixed minister of the parish of Hawick. Thereafter, no person appearing, they proceeded according to the usual order.

Walter Olifer, &c., were ordered to perlustrate the toun, to see who were drinking in ale-houses after 8 at night.

This day Mr John Purdom gave in ane account for teaching seven poor objects, and other three in the end of the account are set doun, whom he learned gratis.

This day y^e minister did intimate from y^e pulpit, that none resett strangers in their families without testimonials of their deportment.

The said day, the minister shewed to the elders, that this week he intended, God willing, to go to the synod at Kelso, and desired to know which of the elders would go alongst with him, and they who had horses answered, that they could not attend him thereunto, in regard that

they had severalls to meet with who are to be at her Grace's *land setting*.* The minister therefore held them excused.

1713.

The minister did intimate also from the pulpit, that a contribution was to be collected for the supply of ane English man, Charles Hespan, who had his goods destroyed by an extraordinary outbreak of the sea; and the minister did show that the Queen's proclamation was fallen by. Collected L.4, 4s.

The which day the Queen's proclamation was read publicly to the congregation for a day of thanksgiving to God for the peace, *to be kept* on Tuesday next.

According to order the last meeting of the session to the beadle, anent the inbringing of the testimonials of those lately come into the parische, the minister shewed that there were come into his hands 3 or 4 testimonials, and the beadle was further ordered to make inquiry anent the rest of the testifcates.

Intimation made by the Rev. Mr Thomas Laick, that the *two schools* were to sit doun to-

* And rent day. An ox was always roasted, and there was probably some parade on the occasion, such as escorting the chamberlain from and to Branxholm.

We may infer that the lands were let from year to year.

morrow, and desired that parents would mind their duty of educating their children.

The said Mr Purdom shewed to the minister and elders, that it was the custom in this town, both with Master Martin and Mr Chisholm, during the time of their being schoolmasters in this place, and also in Master Purdom's time since his entry in 1669, as some of their number here present can attest to be of verity, that those who learned humanity, and also the *lectors*,* were all taught under one roof by the then incumbent, and no other persons were privileged to teach in the town but those who were licensed by the heritors, ministers, and elders, during the abode of the respective aforesaids their incumbency, and when those who learned humanity, and others who were lectors, were disjoyned; although before the decease of Mr Orrok, our late minister, the said Mr Orrok said to the said Mr John Purdom, that for his encouragement (seeing that he was divested of the ordinary salary), his wages should be as good as when the two aforesaid places were unite, and that no other person should keep a public school in the toun for educating boys, and poor scholars, but the said Master John, as some in this toun can attest to be of verity, and also it was a statute (as the records will shew), that no person should teach any farther than the Psalm-Book; and whereas the said Mr John of his own lenity,

* *i. e.*, those who read the Scriptures in Church.

since the aforesaid year 1669, never quarelled several persons in the toun to educat children further than the said book, and seeing he is deprived both of learning humanity,* and of the ordinary salary (having no salary allocat to him for his reading the Scriptures upon the Lord's Day, forenoon and afternoon, and being clerk to the session), is necessitate to make this day his address to the minister and his elders, that no person should in the future teach farther than the Psalm Book. Which was granted, that no person should be privileged to teach farther than the Psalm Book.

Intimation made publicly from the pulpit, that no masters of families resett servants without testimonials of their deportment in the places from whence they come. As also 'tis desired, that the magistrates or persons who have houses to sett, would not admit any persons without sufficient testimonials, lest the toun and parishe become an asylum for rogues and vagabonds.

1714.

The session petitioned the Duchess of Buccleuch to grant a precept of *clare constat* to Archibald Scott of Boonraw, who is now about to sell his land, that so he may be in a condition to dispone in favour of the heritors, minis-

* Alluding to the endowment of a Grammar School by Mr Orrok in 1771.

ter, and elders, who are to bestow the money mortified by the late Mr Alexander Orrok, our minister here on the said lands. The session desired that Her Grace, as patron of the said mortification, would order the minister and elders of the said parish of Hawick, to purchase the lands of Boonraw with the above mortified money, for securing the same in time coming for the ends of the said mortification, in respect the money (9000 merks) mortified by the said Mr Orrok and others, will exactly answer the price of the said lands, which lie so contiguous to Hawick, as the like may not fall out in any age. [This transaction, if carried out, would have made the mortification very valuable. The estate seems to have been purchased for Her Grace, and it still forms part of the dukedom.]

Mr John Purdom presented ane register, in which, at the division of the church, anno 1683, the brethren of the presbytery mett and did allo-
cat to the heritors their seats in the body of the church below the lofts ; and after the said division thereof, the moderator told the magistrates of the toun, seeing they nor the inhabitants had borne no burden and share of the building of the church, and considering what large room and share they brook and possess in the said kirk, they earnestly desired that the *school* might be built in any other convenient place, seeing the pews had suffered a considerable loss by the scholars breaking the same ; which they unani-

mously and cheerfully consented unto, and engaged themselves to enact in the kirk-session books of Hawick for doing the same before Martinmas 1683.

1715.

January 20th was kept as a day of thanksgiving to God for our King George's peaceable accession to the throne on October 20th, and the collection was L.6, 2s.

March 17th. The which day the elders convened to take away the debates and differences among the hammermen and tradesmen possessors of the loft in the church, anent the *precedency* in the same in the fore seat of the loft at the head thereof.

The session after hearing both parties reason upon the head, they statute and ordain that Michael Turnbull, for his lifetime, should have the head of the fore seat of the loft, conform to the desire of the other two hammermen concerned ; and that the two quartermasters of the weavers for the time, have the next place ; and next to them any one of the two other hammermen, as they shall agree betwixt themselves ; and the rest to sit as they come ; with this provision always, for keeping order in the church, that in case either Michael Turnbull, the two quartermasters, or the other hammermen, be not present at the opening of the loft door, to take their places in manner above mentioned, they

are not to pass by any other persons that have taken their places before they come in, but sit as they come. And the offenders, for preventing any disturbance in the church, and not observing the premises, are to pay in L.20 Scots to the box, in terms of the Act of 1683. And that Michael Turnbull's precedence shall be no foundation to any of his heirs and representatives for claiming the said precedence without consent of the other two hammermen. Which act was read in open session to them, with which they seemed to be well pleased.

The said day, the minister did intimate, after sermon in the forenoon, that masters of families would give in testimonials of their servants from the respective parishes from which they came at the last term.

The said day, Andrew Jerdon, weaver in this toun, desired, that seeing others had possessed the place near to John Elliot's seat in the *queer*, where his wife and Janet Goodfellow, his step-mother, *had a stool* (the space of a year, being at that time in Ewes parishe), she might be reponed to the place; which the session thought very reasonable, that his wife's stool should be set in its wonted place.

Intimation made for a fast to be set apart for King George and his royal family, the preservation of the Protestant religion, the peace and tran-

quillity of the kingdom, for the reaping of the fruits of the ground, and seasonable weather for the ingathering of the corn.

No sermon, October 16th, in regard of the tumult occasioned by a numerous multitude in arms against King George and his government.

No sermon, October 30th, Kenmure, Englishers, and Highlanders being in the town.

1716.

The session thought fitt, that seeing Mr Durrough, *dancing-master*, had carried himself civilly, and attended the ordinances here since November last until this day, should receive a testifacat of his deportment, mentioning the said time of his abode here.

Collected for building a meeting-house for divine worship at Hexham, in England, L.14, 2s.

William Gladstains compeared, and was told by the minister, that he was credibly informed by famous persons of his neighbours, that he cursed his father, wasted his substance, and that by God's law and man's he was guilty of a most heinous crime ; and therefore exhorted him to a most serious repentance for the same, and that if he could not refrain from drinking to excess, he would be given up to the bailie of regality of the place, to censure him condignly, as justly he

deserved, the severest punishment to be trysted with ; and he was dismissed with this certification by the bailie, that he would cause delate him to the circuit ensuing, if he walked not more submissively and obtempering to the laws both of God and man.

1717.

Collection in Hawick and the neighbouring parishes for propagating Christian knowledge in the Highlands and Northern Islands.

James Olifer, for distinction's sake called Jafray the piper, being called upon as formerly diverse times, for producing a testimonial of his deportment in the last parish wherein he resided, compeared not ; and seeing he is contumacious, the session unanimously agreed upon, that if he produced not a testificate before 11th November next, then he should be given over to the magistrates, and they to pass a sentence and order for extruding him out of the toun.

1718.

May 11th. Thomas Porteous, carrier, and John Turnbull, servitor to Walter Elliott, bailie-deput of the regality of Hawick, upon citation compeared, and were sharply rebuked for riding a race in the common haugh upon the Lord's Day. They both acknowledged guilt, and promised, by God's grace, to be observant of the Lord's Day.

Likewise upon citation, William Whaton, fiddler, compeared for rambling through the toun upon horseback, with boots, spurs, and red clothes, in a military posture ; and James Olifer, toun-officer, playing before him, who having exculpat him the best way he could, by averring he did it only through sport, and that he was to have a pint of brandie and a gallon of ale for his riding through the toun ; whereupon the session thought fit he should satisfy *publickly* for his trespass, for the terror of others.

The minister intimated to the congregation, that he intended, God willing, to administer the Supper of our Lord the next Lord's Day, and earnestly desired all who are at variance with their neighbours may be reconciled to others, and that none who are at variance and difference would be admitted to the Table ; and exhorted all to try their hearts about their conversation.

A petition from the Lithuanian Church to the General Assembly, was publicly read, shewing that the church in the dukedom of Lithuania hath been distressed these several years, by the judgments of Almighty God, inflicted on them by a long destructive war between the kings of Sweden, Poland, Muscovy, &c., and also have turned out most part of the Protestant magistrates, and put in Papists in their room ; to have forbidden the poor Protestants either to build

new churches, or to repair those that are fallen to decay. The former churches, amounting to the number of 250, are reduced now to a small number, even only to 60. The petition being wholly read, the minister exhorted the people to extend liberally their charity.

N.B.—L.13, 13s. sterling collected.

1719.

This day the minister acquainted the elders, that seeing the *Dutch companies* are now removed to England, he would distribute among the poor (as usually was his method after the administration of the sacrament) the money thereat collected.

1720.

Mention is made of Philip Scott, lately chamberlain to Walter Scott of Harden.

Intimation, that Thursday next was to be set apart for a fast and humiliation, and confession of sins of the land, that God would be pleased to avert the pestilential contagion in Marseilles within the kingdom of France, in which many thousands have been smitten with sudden death.

1721.

The minister being indisposed most of the summer, the preachers were:—

Mr Douglas, Kirkton.

Mr Richie.

Mr Taite, chaplain to Thorlieshope.

Mr Olifer, minister of Glenbecket.
Mr Innes.
Mr Gilchrist.
Mr Chisholm, in the meeting-house.
Mr Edgar.
Mr Telfer.
Mr Hume.
Mr Inglis of Suden.
Mr Hall of Abbotrule.

1722.

A contribution was raised for repairing the mason and wright work of Carlanridge chapel.

*N.B.—*Mr Graham was preacher there in 1714.

The session enacted, that any person who hath received charity out of the box when they die, their household plenishing should be roused, seeing the session is burdened with buying coffins to them, and after the rousing, the money then gotten should be given in; or in case they had any money, either besides them or lent out to any person, shall be given into the box, for the behoof of other poor.

Mr Talefer did read a proclamation for a collection to be gathered from house to house, for the parish of Dorkness in the shyre of Stranaver, consisting of 50 miles in length, and 13 miles in breadth, for building another kirk in the said parish. The Lord Rae, patron of the said parish,

promiseth to give considerably for effectuating the same. Collected L.9, 14s.

William Thomson, officer, was desired to summon a party for his penalty to Falnashes court.

Robert Scott, of Falnash, and the elders frequently convened after divine worship ; gave commission to Robert Rewcastle, &c., for going to Jedburgh upon Wednesday, to produce and lay before the reverend brethren of the presbytery thereat met, the unanimous consent and desire of the heritors, elders, and householders, by their subscriptions both in the town and landwart part of the parish of Hawick, for Mr Charles Talefer to be their minister.

1723.

The brethren of the presbytery, viz., Mr Cowden, minister of Oxholm, Mr Edgar, minister of Hopkirk, Mr Bell of Crelin, Mr Richie of Mynto, Mr Crawford of Wiltoun, Mr Hall of Abbotrule, Mr Gilchrist of Bedderoul, and Mr Douglas, met, and before sermon, made by the said Mr Robert Bell, the presbytery officer, after three oyesses, ordered all persons, at the most patent door of the kirk, to appear before the forenamed brethren, to give in their reasons (if they had any to object) why Mr Charles Talefer might not be admitted and this day settled minister of this parish of Hawick. Therefore no persons ap-

pearing, they proceeded according to the usual order and manner.

Price of a stone of meal 16 shillings Scots.

Seeing the box is burdened frequently by paying of coffins to strangers, and maintaining the poor, the session thought it requisite that the coffin commonly called the *common coffin* should be made use of, unless they be persons of good character.

Intimation made this day from the pulpit of a fast, to be celebrated on Thursday next, 11th July, to be a day of humiliation and confession of our sins, that God may be pleased in his mercy to put a stop to the great drought, for mollifying the weary ground, by sending down a plentiful rain, that the fruits of the earth may come to maturity for the use of man, and the grass may revive for the use of the beasts in the field.

Yet intimation is afterwards made that the 2d of October is to be set apart as a day of thanksgiving for the seasonable harvest.

Proclamation read for the relief of the Protestants in Saxony. Collected L.3, 2s. sterling.

In consideration that there is much need of a master to teach an English school in Raesknow, and there being John Red, a well aged man, capable to teach at the said toun, the

session agreed to give him encouragement for all the poor children in said town.

The sum of L.1, 14s. Scots allowed to Thomas Turnbull's mother for poor scholars, whom she taught.

1724.

Isobell Hewie was also allowed eight pence sterling each per quarter, for teaching poor children.

The minister reported, that seeing there are many poor scholars learning in Branxholmtown, that they should receive Bibles for their encouragement.

Collected for a meeting-house att Babintoun and for Brampton, L.4, 17s.

December 27th. Intimation made by the minister, that, God willing, he is resolved to examine twice in the week, viz., on Tuesday and Friday, the inhabitants of this toun.

1725.

A fast appointed to be in this place upon Wednesday next, imploring the Almighty God that he would be pleased to avert the great death in the bounds, both of young and old, which hath been a considerable time both in this and the neighbouring places.

23d May. Whereas there have been formerly several enormities, debates, and revellings, committed at the riding of the marches of the common belonging to this toun, both by old and young men, who were overtaken by excess in drunkenness thereat ; therefore the minister and members of the session this day thought expedient, for suppressing the growth thereof in time coming, that two of their number should take narrow inspection of the families in this town, who *give* ale or brandie, either at the outgoing or incoming of the horesmen and footmen, and give notice of them at the next meeting of the session.

May 30th. The minister shewed to the session, that he was very well pleased with the deportment and behaviour of those who were at the riding of the common. And likewise having been at the trouble to go through the innkeepers in the town, that he found at their cups none.

Intimation made from the pulpit, that none betake themselves to the fields upon the Lord's Day, after divine worship, in crouds, for discoursing anent their secular affairs ; which, if they forbear not, they will be taken notice of, and be condignly punished as breakers of the Sabbath.

An act of the Commission of the General Assembly was read from the pulpit, for a fast to be holden upon the first day of July, shewing

that many of the Protestant churches abroad are most unjustly deprived of public worship, and many of them have been butchered by the common executioner, in such tragical manner as hath filled Europe with amazement.

Seeing the heritors did not frequently meet at the last meeting of the session, upon that account the minister did intimate this forenoon, that the heritors, viz., Harwood, and Mr Patrick Cunningham, with the elders, might meet after sermon, to hear the list of the poor read over, anent the *badges* to be given to the poor who are able to go through this parish.

The said day the minister *read over to the congregation* the whole number of the poor within the parish, those who were to receive badges, and those who are unfirm and given over to the care of the session, and shewed the good effect which accompanied the act omitted by the justices of peace and sheriff of the shire of Teviotdale, for debarring all vagrants, stranger beggars, who usually disturb this place and the highlands, so that many families were blyth in the country to give them entertainment, by lodging them, and could hardly give bread to their own family.

The session was informed that old Andrew Porteous, in regard of his numerous years and the want of sight, is not in a capacity to main-

tain himself. The minister desired to know if his sons could afford him maintenance. To which some of the members of the session answered that he hath two, one of them being in good circumstances, and the other of them is not so, his wife being valetudinary, and can make no shift for a livelihood. Upon which it was thought fit, that George, his elder son, should be questioned what he would bestow upon him, and then the session would take to their consideration his scanty condition.

The session made agreement with Jean Hart for keeping Betty Hay and —— Jollie, that she should have yearly a boll of meal from the session, Falnash having undertaken for another boll in name of the Duchess, also thrytie pounds Scots, and two shillings sterling, for a pair of shoes, the session furnishing them with clothes.

The minister did read to the members of the session a petition, to be sent to the Lord Royston, manager of the Duchess of Buccleuch her affairs, to see what length her Grace would go in contributing for supporting the *numerous poor* in the parish.

5th October 1725, Tuesday. The season being very bad for cutting down the fruits of the ground, the elders thought expedient that a fast should be celebrated in this place, and humiliation, with prayer to God Almighty for giving fair and seasonable weather, upon Friday next.

Excerpts from the Town-Treasurer's Books,
1721-1805.

	Scots Money.
1721. Paid John Turnbull for gilding the hand of clock (in parish church),	L 0 6 0
Paid Mr Gladstains, elder (town- clerk), when bilyats were drawn, 1 0 0	
June 2. Paid the spedmen for going about the couman,	3 0 0
Item to Fouller the pyper,	0 10 0
1721. April 27. Paid Alexander Scott for ales to the cassers (paviors), 0 6 0	
Received from Harwood for bells to his birns boril,	0 4 0
Aug. 11. Paid Walter Ledlaw for a sled fut when ye robbish was taken away at the erose, 0 3 0	
1722. March 20. Received for the belle to Gorenberrie's boril,	0 6 0
Paid Richard Turnbull for gist (joist) to the steeple (parish church),	2 10 0
Payd John Scot, smith, for yell when the ded bell was mended, 0 12 0	
1723. May 30. Item, received from Wil- liam Olifer, brother to Lord Olifer, his borges money, 6 0 0	
Received from Walter Scot of Whitfield for the bells,	0 6 0
For brandie in Cavers, when the biles went to Cavers,	0 18 0
1723. Given John Stewart, officer, for lead to fix y ^e jugges,	0 4 0
Dec. 24. Spent in y ^e clark's (town-	

		Scots Money.
	clerk's) for extracting the de- creets,	L. 2 14 0
1724. May 26.	Given y ^o measons for lead and aisle when they men- ded y ^o crose,	0 15 0
June 16.	Given James Cowan for ribbons to the race, mell, and calk,	0 8 6
1725.	Paid Walter Scot for making the lifting brod, &c., in bailies' loft,	0 18 0
1726.	Paid for tous to pease stones (clock weights),	0 8 0
1727.	Received for the belles to the Laird of Wein's burial,	0 6 0
	Given to Andrew Wintrope, for mending the steeple ladder,	0 6 0
1728. Feb. 2.	Rec ^d for the belles to Lady Douglas,	0 6 0
	Received for Stirkshaw's wife's bu- rial (bell),	0 6 0
1729. Sept. 17.	Received from the Laird of Fenick, a year's rent for y ^o weight-house,	9 0 0
	Received for the belles to the Lede Fenish's,	0 6 0
	Do. to the Lady Burnhead's burial,	0 6 0
	Do. Burnhead's sister,	0 6 0
	Do. do., for the litter to do.,	1 10 0
1730. Sept. 25.	Payd for lead to the Cross building,	1 4 0
	Received from Whitfield for the lit- ter to his wife's burial,	1 10 0
Oct. 5.	Accompted with treasurer, when haill weights and mea- sures belonging to the burgh, with 9/11 sterling, in Woods	

		Scots Money.
	and other bad half pennies de- livered to new treasurer.	
	Received from Mr Ogilbie of Tein- side for the litter, . . .	L.1 10 0
1731. Oct. 30.	Payd to James Simson for lintseed oyle and whit lead got to the wither-kok in 1728,	0 19 0
Nov. 17.	Payd Bailie Howison, (present bailie) for registering Bargat's bill, . . .	0 16 0
Dec. 9.	Received from John Stewart for y ^e bells to Lady Firth's borile,	0 6 0
1732. April 29.	Receaved for y ^e leatter to Todrig's son's borile, .	1 10 0
May 28.	Payd Alexander Ruther- ford for 7½ yeards of broad cloath for the officers and drum- mers cloes, . . .	12 15 1
Sept. 28.	Payd what was spent with the masons at y ^e port and tolbooth stair putting up,	1 1 0
Sept. 29.	Received from John Stewart for y ^e bells to y ^e Lady Glask's buriall, . . .	0 6 0
	[Who could this be ?]	
	Spent by bailies and others when y ^e fyer was at Wal. Scott's,	0 12 0
	Payd John Aitken for 2 girds he laid on the town's foue,	0 1 4
Oct. P ^d	for 3 loads of lime to y ^e Crosswynd port, . . .	2 14 0
	Paid with masons, in Bailie James Scott's, when y ^e dayell was put up,	0 6 0
(N.B.—According to tradition, the clock, which is still going in the		

Scots Money.

old parish church, was brought from the monastery of Melrose at the Reformation.)	
P ^d Andrew Jerdane for beame that carries y ^e pease stones (clock weights),	L.0 9 0
26. Payd 12 bottles wine, to King's birth-day,	10 16 0
Mor payd at trying the wine, 2 double gills,	0 12 0
Paid for 14 glasses,	2 16 0
28. Payd that night ye lickor was got to Ranting,	2 4 0
Payd to John Pringle, wright, for a bred to hands of clock,	0 6 0
29. Payd to John Meader for playing ye King's birth-daye,	1 10 0
Nov. 14. Payd to John Aitken, couper, for girds to y ^e litter,	0 18 0
Nov. 17. P ^d Bailie John the said night y ^e remain of wine,	6 0 0
Paid at making a libel against backsters (bakers), 3 gills,	0 9 0
1733. Charges of the settes in the loft above the bilifes' loft,	11 0 0
P ^d in, part for caping the clokelynx, 3	0 0 0
1734. Paid to Bilife Howison for the Bible that is for the bilifes in the church,	2 8 0
Paid Walter Scott for putting up the brest in the bilifes' loft,	6 0 0
Paid to David Laynge 6 $\frac{1}{2}$ days him and his men, and all ser- vice done to the West Port,	8 4 0
Paid to my son for nealling and mending the foot-gang, and pit-	

		Scots Money.
	ting back the perpell in Bailies' loft,	L.0 4 0
Oct. 3.	Received for y ^e belles to Lady Stirkshaw's burial,	0 6 0
	Paid for a meal seave,	0 18 0
1734.	Spent in Bilife Scott's, when last nit was made to the clok,	0 15 6
1735.	Paid James Gledstains for making y ^e coulter,	2 14 0
	Spent in Mrs Elliot's, when the port was mended, w ^h bailies,	2 7 0
	Paid James Wintrope for falding brods in Bailies' loft,	1 14 0
1736.	Paid John Aitkin, cooper, for y ^e hooping of y ^e litter,	0 14 0
1737.	Paid a soger and passenger and letter sending to Leadye Crou-mach,	1 0 0
	Paid for mending y ^e hayewayes,	0 12 0
	Paid to my wife when y ^e workmen went to see where y ^e brige should be,	0 18 0
1739.	Paid in Mr Weir's (town clerk) at taking in the quartermasters to the council,	1 6 0
	Received for y ^e belles for Collde-houses wife's burell,	0 6 0
	Paid James Heardye for liding 600 difeits to tolbooth,	1 10 0
	Paid in Mr Weir's (town clerk), when the petition was drawn to the Duke of Buccleuch,	1 4 0
	Paid in Mr Weir when I got the doubles (subscription lists) out to go through the parishes for the brig, with bailies,	0 18 0

	Sterling Money.
Paid 8 workmen for 2 days and 2 hours working for a founda- tion to the brig,	L.0 11 4.
1740. Paid Mr Weir, to carry his ex- penses to Jedburgh for the rogue-money relating to the brig,	0 5 0
1741. Paid a pint of brandye, when the brander of the middle pillar (Teviot Bridge) was in the wa- ter,	0 9 0
1744. May. Spent in Mr Weir's in bil- leting 120 shoulders,	0 1 0
1746. Oct. 4. Spent in giving ane ac- count of the poor's accounts, in Thomas Wintrup's,	0 0 3
Paid for firing to the guard, and candles,	0 0 9
— 15. To paid in Bailie Ruecas- tle's, in receiving money from the corporal for y ^e caryers,	0 1 0
Paid in my own house in the morn- ing, with the bailies, officers, and sergeants,	0 1 3
To the bailies and Cromhaugh, in Mr Weir's (town-clerk),	0 1 0
Paid in altering billets in Mr Weir's,	0 0 3
Paid in providing baggage horses,	0 0 6
1747. March 28. Paid to Adam Hunt- lie for going two rounds to the country in quest of baggage horses to the military,	0 1 0
April 13. Paid out to the wrights and assistants in taking down the bell,	0 2 0

		Sterling Money.
	Paid in Bailie John Scott's, after taking her down,	L.0 1 6
	Sent to the steeple head (old parish church) a mutchkin of brandy,	0 0 7
	May 4. Spent in Mr Weir's, in establishing 6 burlemen for the town,	0 1 6
1748.	Paid for oyl to the clock and bell, Whiskie given the workers at the bridge, 1 pint, 1 gill,	0 3 3 0 2 10
	Half-a-mutchkin whiskie to glaziers and officers,	0 0 4
	(This is the earliest mention of whisky.)	
1751.	Paid John Elliot, tanner, for lime to the East Port Cross, being 6½ fous,	0 2 0
	May 21. Cash from Mr Colvine, dancing - master, for three months' liberty of the tolbooth, for dancing in,	0 4 0
	June 6. Cash from Andrew Pertos, for the rent of the leach prison,	0 10 0
	Nov. 30. Paid Robert Easton and Robert Oliver, with workmen, for helping the far pillar of the bridge, and 12 drains,	1 5 4
1752.	Paid for $\frac{1}{2}$ quart whisky, when gathering stones to the bridge,	0 0 4
	Received from George Scott, for stones of Millport,	0 9 11
	Do. the same day, from Bailie James, stones of the well,	0 10 8
	Oct. Paid David Laing for pointing a hole on the steeple-head, and	

		Sterling Money.
	altering a cracke (in parish church),	L. 0 0 6
	Allowed the treasurer for 2 extracts of the regulation of bread, and 5s. paid to officer,	0 10 0
1752.	Paid to Walter Freeman the remain of his salary for keeping the clock (in the old church), 1 year,	0 10 0
1754.	Paid for cords to bind Andrew Ogilvie,	0 0 3
	At same time paid for watching him,	0 1 3
	Paid for a meal sieve to search the market,	0 0 7
	Paid William Young for clasping the bell wheel,	0 0 8
1755.	Paid in Bailie Walter Scott's, with Bailie John, when getting the new stocks,	0 0 6
	Paid John Bryson, 11 thrave (straw) for thatching the school-house,	0 4 0
	Paid Andrew Turnbull, elder, for building in the brod at the steeple head, &c.,	0 2 0
	Paid 2 fiddlers for attending the bailies,	0 3 0
	Paid 2 men and the officers for searching Winnington Moss, for baking bakes, and breaking and throwing the same in the moss,	0 2 3
	Paid Bailie Walter for the stocks, 1	0 0 0
	Spent, when buying a tree for the Fleshmarket,	0 0 5½

	Sterling Money.
Paid whisky when putting up the cross-tree in the Fleshmarket,	L. 0 1 4
Taken on in the treasurer's at the ranting,	0 3 8
Paid for 2 paines of glass to the tolbooth,	0 0 3
Received roup of the seats in the kirk (gallery) for 1755,	0 10 6
Received roup of the Fleshmarket to Michaelmas 1756,	1 4 1
Paid for libel against Adam Richardson for <i>going by</i> the Court with the bailies, before and after the court, 2s.—of which he paid 16d.,	0 0 8
Paid James Wintrope for helping the fit-gang of the bailies' loft,	0 0 6
Paid Bailie Walter Scott for the book-board in the tolbooth,	0 1 6
Spent by order, at the tolbooth stair, 1 p. (pint) whisky, prime cost,	0 0 8
Paid Robert Telfer for his horse, in seid time, to Kelso, pressed by Bailie Turnbull, with a shouldier and his wife,	0 0 6
Paid Andrew Turnbull, Bailie Walter, and David Laing, <i>earnest</i> , for the herd's house building,	0 1 6
1756. Paid in Mr Weir's (town-clerk), at proclaiming war against the French, receiving the Flesh-market rent, and setting the weigh-house.	0 4 2
(This beats even Scotch thrift).	

		Sterling Money.
Paid Andrew Scott, merchant, for 8 yards ribbon for the offi- cers,	L.0 2 8	
Paid in Mr Weir's, with the bailies, for Thomas Sowrd's sentence- money,	0 1 0	
By cash, half year's rent of Flesh- market,	0 12 0	
Paid in Mr Weir's, when William Robertson (who came from Dunfermline to manage the carpet-weaving concern) en- tered burgess,	0 0 6	
Paid for libel against Adam Ri- chardson for going by the court,	0 0 8	
Cash given the herd when his child was almost burnt to death,	0 1 0	
1757. Paid in Mr Weir's for gilt paper, &c., when writing to the Coun- tess and others, anent the mi- nister (the parish church was then vacant by the death of Mr Somerville),	0 0 7	
Paid in Do., anent the petition for the coals in the morning, &c.,	0 1 3	
Spent with Mr Ramsay the coal- man (coal-viewer),	0 5 0	
1757. Paid the coalman,	0 10 5	
Paid Thomas Turnbull, dyster, for dyeing and dressing officer's clothes,	0 12 0	
1758. Paid for binding, covering, and putting Psalms in the bailies' Bible, and postage,	0 3 0	

	Sterling Money.
1660. Nov. 3. Paid fiddler playing before the bailies and justices of peace proclaiming Geo. III. L.0	2 6
1761. By cash for stent collected east the Water of Slitrig, . . .	3 8 8
Do., west the Water, . . .	3 11 2
Paid J. Kirkwood, clockmaker, Redpath, for repairing town clock,	15 2 0
<i>N.B.</i> —The amount raised by stent.	
Paid liquor at qualifying the bailies and clerk (Accession of Geo. III.)	0 4 10
Spent by bailies at ordering officers to poind the deficients (defaulters) for the clock, . . .	0 1 4
1762. Paid for soap to the cords letting down the bell (old parish kirk),	0 0 1
Spent at rouping materials of the bailies' lofts therein, . . .	0 4 10
Spent by the bailies, rouping the Cross, Fleshmarket, and Cross-wynd port,	0 1 9
1763. Spent by bailies and council electing clerk, vacant by Mr Weir's death,	0 6 0
Paid Bailie John for drink at putting up bell (in new church),	0 3 7½
Paid Do. 4 men attending the dial-plates putting up, . . .	0 4 0
Paid Do. putting up the fen, . . .	0 12 0
1764. Paid to Andrew Grey for the wind-pointer, fen, and hands, in church steeple,	3 10 0

	Sterling Money.
1766. Paid for the herd's house, per estimate,	L.4 12 0
Paid to John Brown for going post to Edinburgh with a letter,	0 5 6
1767. Aug. 7. Paid Tinlin & Hardie for watching brig (Hawick flood),	0 2 0
1768. Received from a man with wild beasts in the Tolbooth,	0 10 0
1770. Paid Mr Glaidstains for toul at Walter Burns' port,	0 0 6
1771. Feb. 2. Spent in Bailie Hardy's, with clerk and others, after laying on the bell stent,	0 2 9
Received from Robt. Ha, Dodburn, for 3000 divots, John Loran for 3000 do., James Davidson 1500 do., Robert Scott 3000, and William Scott 2500,	1 1 8
Paid Bailie Hardy for a bottle of wine (Stevenson's), at attending His Grace the Duke of Buccleuch,	0 2 0
Paid James Miller for making poor's list,	0 2 0
Paid Robert Tinlin for mending his halbard,	0 0 6
Paid John Simson for a standard for salt from Jedburgh,	0 3 0 $\frac{1}{2}$
1772. Paid Mr Inglis (postmaster) and Bailie Hardy for post letters, &c.,	0 1 8
(This is the earliest mention of a post-office. The postage from Edinburgh seems to have been 2d.)	

	Sterling Money.
1773. Paid Rob ^t . Tindlin for watching the town after fire,	L.0 1 6
1776. Spent in Bailie Hardy's at decre- ting deficiencies (defaulters) for the brig (over Slitrig at the Tower Knowe),	0 1 0
1777. Paid Bailie Hardy for officers whip- ping the "Speman,"	0 8 6
Do. for ale and bread when he was in prison,	0 0 7
Spent in Bailie Hardy's when taking a list of the mutineers when going to the common,	0 0 8
(This refers to the individuals opposed to the division of the common, who pelted with stones the commissioners appointed to set it off).	
1782. Oct. 2. Paid 2 sailors' widows be- longing to the Royal George,	0 2 0
1783. Paid a letter addressed to bailies anent the murder of David Reid,	0 0 4
Dec. Paid Wm. Phillop & Co. (masons), for the wells, as per- account,	34 6 0
1785. May. Received from Mr Flintiff (teacher of dancing), for 2 mo. of council-house,	1 0 0
Oct. Received from Mr Clarke for use of council-house when delivering his lectures,	0 10 6
1786. Paid 2 lbs. white paint for wester fountain-head,	0 1 0
1787. Paid mending the stocks, wood and iron work, and lock,	0 3 3

		Sterling Money.
	Received for 27 lbs. stanchel iron taken out of the thieves' hole window,	L. 0 4 6
1792.	Paid expense of <i>fore stairs</i> , taken away by order of trustees,	55 18 1
1794.	By cash from Bailie Wm. Scott as rent of council-house from singing-master,	0 5 0
	Do. Mr M'Gregor, dancing-master,	0 11 0
	Paid A. Bryson, constable, press- ing baggage-carts for soldiers,	0 2 6
1796.	By cash from Mr Dickson for one year's street dung,	3 0 0
1797.	Paid Mr Inglis, writer, navy and soldiers' money,	75 0 0
1798.	Oct. 6. Paid officers ringing the bells for illumination, (Probably battle of Aboukir.)	0 2 0
1805.	Nov. 11. Paid for illuminating the council-house, (Probably battle of Trafalgar.)	0 15 0

APPENDIX.

I. *The Mote—The Slogan—Auld Hawick— The Buttis.*

1. *The Mote.*

Since the removal of the auld brig* additional interest attaches to this venerable sepulchre, which still remains intact. In the poetry of good Gawyn Douglas there occur frequent allusions to such objects. These are not without historical value, since they indicate the opinion prevalent in his times regarding their origin and use. Here is one of them :—

“Under the Montane Law there stude fute hote,
Ane bing of erth upheipit like ane mote,
Contenyng the cauld assis and birnt bains
Of auld Dercenus, King of Laurentanis.”

ONEID, *Buke Seventh.*

Dryden's version is not so graphic—

“High on the field there stood a hilly mound;
Sacred the place, and spread with oaks around;
Where, in a marble tomb, Dercenus lay,
A king that once in Latium bore the sway.”

In Scotland on Moot Hills, that is, Law Hills,

* The ingenious authors of the poems to which the removal of the auld brig (taken down in 1851) gave rise, assume, on the strength of tradition, that it was founded by a lady. But as bridges usually received consecration during the prevalence of Popery, the female head carved underneath its arch is more probably rather evidence merely of the brig having, like other public structures, passed through that ceremony.

says Mr Robert Chambers, courts of justice were formerly held. In Sweden similar mounds exist. Three near Upsala, the old capital, seen by Mr Chambers, are said to have been respectively the burial places of Odin, Thor, and Freyd, the leading deities of the Scandinavian mythology. One of these was ascertained, a few years ago, to have actually afforded sepulture to some remarkable person, and Mr Chambers saw, through a grating, a few of the bones. He thinks those he saw were natural, forming this opinion from their relation to the great gravel ridge crossing the Upsala plain, a view which was confirmed by finding their tops on a level with that of the "os" at Upsala, and by an examination of the sea-made matters of which they are composed. (See *Chambers's Tracings of the North of Europe, Edinburgh Journal*, February 16, 1850.) It is not surprising that the Northmen, finding these mounds already formed, should have resorted to them where they happened to be near, without undergoing the labour of forming others; but from this circumstance no inference can be drawn unfavourable to the conjecture that the Mote of Hawick, where there is no appearance of such natural mounds, is an artificial work. Gawyn Douglas, writing about the year 1500, plainly refers to an artificial construction; Robert Cunningham, two centuries later, expressly terms it such;* and the uniform tradition of the place confirms these authorities. Indeed, it is farther traditionally said, that the materials were scooped out of the adjoining hollow, named Myreslaw Green.†

* His words are—

"_____ that artful mount, which, built of old,
Was, by the natives here, warlike and bold,
Wherein they acted all their games of May,
When they inclined in sports to pass the day."

† "Some have thought that barrows covered the bones of those who had fallen in battle on the spot; others ascribe them to the

The first mention of the mote* ("moit") of Hawick on record occurs in a charter granted by King James IV. to Sir William Douglas of the barony of Hawick, dated 1511. (See *Appendix, IV.*) In its secondary uses, the mote served the twofold purpose of a seat where justice was administered and frequently executed, and an altar where honour was paid to their divinities by the first inhabitants. Thus, in 1371-1372, Robert of Maxwell, Lord of Mernes, granted to his kinsman, Sir John of Maxwell, Knight, Lord of Nether Pollock, and the Lady Isabell, his wife, the whole lands of Dryppis, in the barony of Kilbrydshire, in the sheriffdom of Lanark, reserving to himself and his heirs the moot-hills (mons) nearest to the town of Dryppis, on the top of which a stone was erected, for holding his *courts* there as often as he should happen to hold pleas on the people of the said lands for wrong done to himself or his heirs only.—*Parochiae Originles*, i. p. 508. * *

custom said to prevail among the Indians, of collecting at certain periods the bones of all their dead, wheresoever deposited at the time of death; whilst others, again, suppose them to have been the general sepulchre for towns that existed on or near the spots where they are met with." * * (Ency. Brit., article *Barrow*.) They are said to have disappeared in Scandinavia after Christianity triumphed in the north. (*Mallet's Northern Antiquities*, vol. i., p. 341, ed. 1770.) Stone weapons and implements are of frequent occurrence, says Dr Daniel Wilson, in his "Prehistoric Annals," particularly in the bowl-barrow—to which class Hawick Mote belongs;—another proof of their great antiquity.

* Perhaps the term is an elliptical phrase for Wittenagemot. But this might be only its secondary name; its primitive appellation we cannot even conjecture. "Amongst the Cossacks such tumuli are termed 'mohille,' by whom they are attributed to the Mongols, who bury their dead in them. On opening these, earthen vases and rudely-formed darts and hatchets have been found." (*Chambers's Journal*, Dec. 9, 1854, p. 379.) On the other hand, it may be noticed that, "in a remote part of Brittany, the inhabitants of which are said to be the descendants of a colony of Northmen, who disembarked there in the fifth century, and have now amalgamated with their neighbours, speaking the Celtic tongue, there are little islands covered with verdure, and known by the names of *mottees* (sods or mounds)."—*Blackwood's Mag.*, January 1852, p. 63.

In 1780, when removing the materials of a building on the summit of Dechmont Hill, parish of Cambuslang, the foundations were exposed of a more ancient structure, circular, of 24 feet diameter, having the stones carefully joined without mortar. A thick stratum of charcoal was found near the summit, covered by a coat of fine loam. There was a tradition in the place that *beltane fires* used to be lighted upon the hill. (*Parochiales Origines*, i. p. 62. This corresponds with Hawick, where, within living memory, the beltane fires were kindled alongside the mote.

An artificial mound near an ancient hospital and chapel, in the old parish of Torrens, is still called the Tor, in allusion, probably, to the Pagan deity there worshipped.—*Par. Or.* i. p. 100.

Moot-hills are still to be met with in different parts of Scotland. Thus, there is the Moot-hill of Cather, in the parish of Bonhill. At Biggar there is one, thus described in the “ Imperial Gazetteer of Scotland” (1854) : “ A tumulus or moat-hill, 120 paces in circuit at the base, 54 paces in circuit at the top, and 36 feet high, is situated at the west end of the town, and seems never to have been opened.” The moat at Hawick, which has never been opened, is 30 feet high, 117 feet in circumference at the top, and 312 feet at the base, and contains 4060 cubic yards. It is of the sort styled “ bowl barrow,” from its similarity to an inverted bowl.

2. *The Slogan.*

“ *Tyr y bus, Tyr y Odin.*”

In the recent very able Statistical Account of the parish, by the Rev. J. A. Wallace, the writer considers this cry to import an invocation to some superior

being, by the combatants on the eve of battle. In this sense it might be rendered, “Gods of thunder and war, assist or protect us.” Another conjecture may be hazarded, founded on a more literal version of the word busk, thus defined by Dr Jamieson : “1. To dress, to attire oneself, to deck. 2. To prepare, to make ready in general. This is merely an oblique sense, borrowed from the idea of dressing oneself as a necessary preparation for going abroad, or entering on an expedition.” “That all men busk thame to be archeiris fra they be xii years of age.” (Act James I., anno 1424, cap. 20.) In this sense it might be read thus : “To battle, sons of the gods,” &c. In the former sense, each soldier may be supposed to invoke for himself ; in the latter, the leader adopts it as a hortatory. Bruce’s Address is entirely of the latter character, although that noble effusion owes more to the genius of the poet than to historical truth.* The Jedburgh slogan, “Fye to it, Tynedale, Jedburgh’s here,” seems a challenge to the enemy to come on.

3. *Auld Hawick.*

Hawic, Hawich, Hauuic, Hauuich, Hawhic, Hauwic, Haweik, Hawyk, Hauwyk, Hawewyk, Hawik, Hauyke, Hawyc, Hauyc, Hauwyc, Havyk, Hunewic.†

There is nothing connected with the town involved in greater obscurity than Auld Hawick. Our records are totally silent on the subject, and tradition has transmitted to us nothing beyond its name and site. The spot pointed out is scarcely half a mile

* The repulsive war-cry of the Romans during a charge was, “Feri, Feri,” that is,—Strike, kill.

† For these various readings, except the last, see the authorities in “Origines Parochiales Scotiae,” i. p. 338. “Hunewic” occurs in a charter granted by the English king John to Henry Lovel in 1206.

south from the town, on the side of a rugged height, named Hardyshill, than which a site more unsuitable for a town cannot well be conceived. There are no remains or appearances of any sort to indicate that the abodes of man were formerly ranged over the ground; and thus all is left for conjecture. There are indeed, a mile farther south, on the summit of a hill named Kaimend (Campend), having a singularly commanding and interesting prospect, traces of a British encampment, but this spot has never been named in connection with the town.

At Rothbury, in Northumberland, an old town is stated to have been situated in the vicinity of the modern one, on the summit of a lofty barren hill. "It consists," says Mr Mackenzie, in his "Historical View" of that county, "of a circular entrenchment, with a double fosse and rampier, and has beyond dispute been a fort of the ancient Britons. It might also have been used in later times as an asylum, in times of public danger, *where the inhabitants retired with their goods* during the time that the Scotch Borderers were plundering in the neighbourhood. This place was likewise well adapted for a watch-hill, as it commands a very extensive prospect." There are no appearances indicating the existence of a fort at Hardyshill. The view of the town which it commands is, however, a good one, from which the movements of an enemy could be readily watched; and

To trace a resemblance between the "fiery Hun" and the modern Havician is reserved for the ingenuity of future investigators.

There have been various theories regarding the origin of the name. Mr Jeffrey, the latest writer on the subject, in his "History of Roxburghshire," plausibly conjectures it to be derived from "How," a hollow, and "Wic," a town or village, i.e., a "village situated in a hollow of the hills." The following names may be referred to as corroborating Mr Jeffrey's view:—Howgate, Howdenburn, Howsyke, Howleuch, Howpasley, Howahill, all occurring in the town or district. It may be remarked that the phrase "auld" does not necessarily imply priority.

the most probable conjecture therefore, is, that it was merely, as at Rothbury, an asylum in periods of public danger, rather than the precursor of the present town.

4. *The Buttis.*

The Scottish Parliament, in 1424, directed "all men to busk them to be archereis." There are now no means left, however, either by name or otherwise, of identifying the locality referred to in the burgh records. Behind Wilton Church there is, however, an inclosure, now the site of Dickson Street, named "Wellbutts Park," and another called Silverbuthall, —very probably the parochial "bow markes" enjoined by the statute, since it requires such to be made "near to paroche kirkes, quhairn upon halie daies, men may meet, and at the least schutte thrise about, and have usage of archerie;" but being in a different barony, this would have no connection with the Hawick *buttis*. Beyond these names, however, there is nothing left to indicate that there were formerly butts in the locality.

Wilton, indeed, may now almost affirm that everything there which could be considered ancient has been swept away. The cross at Heip has been long removed. The fine old tower of Burnhead has lately been modernized, and is a tower no more. *Et tu Brute!*

"The ancientest house among them all."

The armorial bearings of Langlands of Langlands, shown in panel in the parish church, having the double motto *Spere* and *Bon Esperance*, have also been lately obliterated by the painter's brush. As one of the family was associated with Sir William Wallace in his attempt to restore independence to Scotland, this last remaining relic of the race, connect-

ing the locality even thus faintly with the name of Wallace, deserved a better fate.

A stone pillar at Midshiels, indeed, still remains; but being without figures, inscription, or historical associations, it provokes little curiosity. Equally hard has been the fate of the stone at Grundistane, with the inscription, "Remember to pray," which has not existed within living memory.

The inscription on Mr Crawford's tombstone in Wilton churchyard, now—although not ancient—fast mouldering to decay, has, however, been lately (1850) transcribed, the credit of which is due to the kirk-session. See it in *Appendix*, XIV.

An inscription over the eastern doorway at Stirches is probably the oldest remain of the kind in Wilton. It is in these words:—

"Christus Rex Regum : qui non dormitat in ævum
Protegat hanc aedem necnon sine criminib. plebem.
Anno 1503."

That is—"May Christ, the King of Kings, who wakes eternally in heaven, protect this mansion, and likewise the people from sin."

Since the foregoing was written, a circular letter has been addressed by the Duke of Buccleuch to the tenants on his estate, enjoining them to take the greatest care of every object of antiquity, whether mound, circle or embankment, stone or building, &c.; to allow no one to meddle with them; and to keep safe and untouched any place having a distinct legend or story connected with it, or having a remarkable name. This is certainly a step in the right direction. It would serve a still better purpose, however, were the Duke to select a competent archæologist to visit his estates, and record on the spot whatever he may find interesting, as well as to encircle with a *chevaux-de-frize* those remains which are most exposed to dilapidation.

Still more recently an Archæological Society has been formed at Hawick, from whose labours much may be expected.

II. *Early Notices of the Barony.*

The land territory or barony of Hawick,* which included that of Branxholm, appears in record in the reign of King William the Lion, and was known by that name in the two preceding reigns (David I. and Malcolm the Maiden, 1124–1165); between 1175 and 1180 it occurs in a charter by Robert Avenel, of lands in Eskdale which had been granted to him by King David I. before 1153, and were by him assigned to the monks of Melrose between 1163 and 1165.† It occurs again in charters of confirmation of the same lands by Gervase Avenel, the son of Robert, between 1180 and 1199, and between 1214 and 1218; and also in a charter of Roger, the son of Gervase, between 1218 and 1221.‡ Its earliest possessors on record were a family named Luvel or Lovel. In 1183, or previously, Henry Lovel (Lupellus) granted to the canons of St Andrews two oxen-gang of land in Branceulla (Branxholm), viz., half the land which

* "Origines Parochiales Sootise," 340, from which work the present narrative is in great part derived.

† About the very same period, Reginald, the Monk of Durham, mentions "Villa quadam Hawich," and gives the names of two women from Hawick, Seigiv and Rosfrith, devotees of St Cuthbert, who had come to worship at a chapel dedicated to that saint, situated on the Slitrig, by some persons supposed to be at Humbleknows. The adjoining croft is named Priesteroun, probably Priestground (see volume published by the Surtees Society for 1835). Reginald was alive in 1165.

‡ A grant by Egred, Bishop of Lindisfarne, between 829 and 854, of the town of Gedwarde, to the see of Lindisfarne, afterwards

Walter of St Michael held, with as much common pasture as belonged to it. (*Register of the Priory of St Andrews*, page 261.) In 1264, or subsequently, Hugh of Abernethy, Sheriff of Roxburgh, accounts to the chamberlain of Scotland for 100 marks, received as the relief of Richard Lovel, and adds a memorandum to the effect that an account had still to be rendered of two parts of the Barony of Hawyc, for the term of Martinmas 1264, as Richard Lovel, lord of that barony, was dead before Michaelmas of that year.* At a later period, their adherence to Edward † seems to have cost the Lovels their Scottish inheritance; as in the reign of David II. we find them attempting to recover their ancient patrimony, and it was then (1347) restored to them under the direction of Edward III.

After the breaking out of the wars of the succession,‡ the position of the Lovels, in consequence of their owing allegiance to both crowns, necessarily became a difficult one; and preferring alliance with England, we are not surprised to find David II. soon afterwards granting the barony, into whose hands it

Durham, included Aduna as far as Tefagedmuthe, and thence to Wiltuna, and thence beyond the mountain southward. This might be read as applying to Wilton, but Ulston is more probably meant. It is a district, says Mr Innes, which, although apparently extending to the conflux of the Jed and the Teviot, it is impossible now to define. (*Origines Parochiales Scotiae*, 378.) In connection with this grant it may be stated, that Roxburghshire, according to Bede, formed part of the kingdom of Northumberland in the time of St Cuthbert, who died in 687, and during many ages thereafter. See Sir Walter Scott's "Border Antiquities," pp. 63 and 142: and this is confirmed by Chalmers, vol. ii., p. 103, who also thinks, that at the beginning of the twelfth century, Teviotdale was probably a dependency of the Bishopric of Durham, although the monks scarcely enjoyed any temporal possession within that region. At the demise of Edgar in 1107, almost the whole of Roxburghshire was the property of Earl David, afterwards King David I., its sovereign lord.—"Chalmers' Caledonia," ii. 104.

* Chamberlain Rolls, i. 45.

† "Or. Par. Scotiae," i. 342.

The question occurs, whether the Havicians fought at Bannock-

had probably come by the forfeiture of Lovel* (as had Branxholm, in the same barony, conferred by Robert the Bruce on Sir Henry de Balliol by the forfeiture of John Balliol), to Maurice Murray, Earl of Stratherne.† The same sovereign afterwards granted a charter of the baronies of Hawick and Sprouston to Thomas Murray,‡ probably of the same family. It does not seem, however, to have remained long with them, as in 1412 James I. granted a charter of confirmation (implying a grant of antecedent date) of this barony, among others, to Sir William Douglas of Drumlanrig, ancestor of the Queensberry family.

In 1451 the barony, with others, was given in free

burn? If they did, record and tradition have alike failed to indicate the fact. That they were present on Bruce's side is improbable, since, at that period, the connection between superior and vassal was a very close one, the retainer being bound to follow his lord to the field and fight on his side, no matter what might be the object of the expedition; even neutrality being dangerous, and sometimes leading to forfeiture. It is quite inconceivable, therefore, that Lovel should have taken part against Edward, as his possessions lay chiefly within the dominions of the English crown; besides that, there is clear evidence of his being in the English interest. On the other hand, was Lovel, with his Hawick vassals, not amongst Bruce's opponents on that memorable day? There is a tradition that the men of Jedburgh fought for Bruce, and a pennon is still preserved there, which is stated to have been captured or carried by them on that occasion. But if Jedburgh and Hawick had been on opposite sides, it is probable that a hostile feeling would have sprung up between the respective burghers, of which some traces would have been discovered. Again, as we find, even among children, disgrace still affixed to the descendants of the ancient enemies of Scottish independence, as in the instances of Menteith, who betrayed Sir William Wallace, and Brigham or Birgem, where a treaty considered ignominious was entered into with England, it is probable that the Havicians would not have escaped animadversion on this score, had they been obnoxious to it.

* This conjecture is partly founded on an entry in the Rolls of a Parliament of David II., held at Scone in 1341, bearing a charter to have been then granted in favour of William de Douglas, of lands in Eske and Ewys, which James Lovel had forfeited.

† "Robertson's Index to the Charters," 29 and 33.

‡ *Ibid.* 17 and 45.

regality to William Earl of Douglas.—*Parochiales Origines*, i. p. 441.

In 1510 the lands and barony then belonging in heritage to Sir William Douglas were recognosced in the hands of King James IV., on account of the alienation of the greater part of them without the consent of the Sovereign. A year and a day after the recognition were allowed to Sir William, and all who might have any interest in the property, to put in their claims, but none appearing for that purpose, they were summoned before the Lords of Council, who, on clear proof of the alienation, declared the lands and barony to have been forfeited, and to belong to the king in property, and to remain at his disposal.* The king afterwards, for the good and gratuitous service rendered to him by Sir William, granted to him the lands and barony of Hawick, and “the town of Hawick, with the liberties and privileges of a burgh of barony, and all clauses necessary for the *creation* of the same,” by charter, dated 1511.

—See *Appendix*, IV.

From the Drumlanrig it seems to have passed in 1675 to the Buccleuch family, with whom the barony still remains.

* The barony seems thus to have undergone forfeiture on at least three different occasions,—1st, from Lovel, in the reign of King David II. ; 2d, from Sir William Douglas, in the reign of King James IV.; and lastly, from Monmouth, in the reign of King James VII.

III. *Memorials of the Family of Lovel.*

The families of Lovel, Murray, Douglas, and Scott, were successively Lords of Hawick subsequent to the time of Earl David, afterwards King David I.

History assures us that Malcolm Canmore, King of Scotland, who reigned between the years 1057 and 1093, gave every encouragement to strangers, whether Normans, Danes, or Saxons, to settle within his dominions. Of this privilege many, and those persons of distinction, were not slow to take advantage, and before the war of independence, the lands of the southern districts of Scotland had been in a great measure partitioned among Norman adventurers, from which circumstance, and the coincidence of dates, we may thus conjecture that the first of the Lovels was one of the number.* "The marriage of Malcolm Canmore with the Saxon Princess Margaret," says Mr Innes,† "has been commonly stated as the cause of that immigration of southerners. But it had begun earlier, and many concurring causes determined at that time the stream of English colonization towards the lowlands of Scotland. The character of the movement was peculiar. It was not the bursting forth of an overcrowded population,

* Mr Chalmers having, in his "Caledonia," alluded to the founder of the burgh as a Saxon chief, who built his mansion or tower in the curve of the Slitrig, his MSS., preserved in the Advocates' Library, have been examined, in order to discover the various readings, if any, of that diligent investigator. Unfortunately, however, the MS. of "Caledonia" is wanting, the collection embracing only communications from correspondents, which throw no light on this subject.

The adjoining barony of Cavers was obtained from King David I. by the Balliols, another great family of Norman origin, which gave to Scotland her King, John de Balliol. In 1284 Alexander de Balliol of Cavers is classed among the *magnates Scotiae*.

† Preface to "Origines Parochiales Scotiæ," p. 25, an excellent work, but which, from its expensive form, is not likely to be so generally known as it deserves to be.

seeking wider room. The new colonists were what we should call of the upper classes of Anglian families long settled in Northumbria, and Normans of the highest blood and names. They were men of the sword, above all servile and mechanical employment. They were fit for the society of a court, and many became the chosen companions of our princes. The old native people gave way before them, or took service under the strong-handed strangers. The lands those English settlers acquired they chose to hold in feudal manner, and by written gift of the sovereign ; and the little charter with the king's subscribing cross (†), or his seal attached, began to be considered necessary to constitute and prove their rights of property. Armed with it, and supported by the law, Norman knight and Saxon theyn set himself to civilize his new acquired property, settled his vil or his town, built himself a house of fence, distributed the lands among his own few followers and the natives whom he found attached to the soil, either to be cultivated on his own account, or at a fixed ferm on the risk of the tenant."

The Lovels were lords of Yvery in Normandy, Kary in Northumberland, and Hawick in Scotland. Their family, whose name originally was Percival, came from Normandy. William Govel de Percival was surnamed Lupellus, or the Little Wolf. This became softened into Luvel or Lovel. About the year 1165 King William the Lion confirmed to the canons of Jedburgh, amongst others, a grant of Vghtredsaghe, with its right boundaries, by Margaret, the wife of Thomas de London, with consent of the same Thomas, and of Henry Lovel, the son of the same Margaret (*Par. Orig.*, i. 370). We find that in 1183, or previously, Henry Lovel granted to the canons of St Andrews two oxen-gang of land in Branceulla (Branxholm).* In 1208 John King

* Register of the Priory of St Andrews, p. 261.

of England, granted a charter to Henry Luvel, confirming a renunciation by Matilda, the widow of Rodolph Luvel, in favour of Henry Luvel, his brother and heir; whereby, in consideration of 23 marks and 16 oxen, she relinquished to Henry her right of dower in the manor of Hunewic.* In 1264, or subsequently, the Sheriff of Roxburgh accounts to the Chamberlain of Scotland for 100 marks, received as the relief of Richard Lovel,† for the Barony of Hawick, of which he is stated to have been then lord. In 1281 Sir Richard Lovel was one of the procurators of King Alexander III. in negotiating the marriage of his daughter with Eryc, King of Norway.‡ In 1296-97 Maurice Luvel, parson of Little Cavers, and Agnes, the widow of Henry Luvel; and in 1297 Richard Luvel, the son of Hugh, all swore fealty to Edward I. About the same period Hugh, William, and John Lovel appear to have been in the allegiance of the English king. Their adherence to Edward, says Mr Innes, seems to have cost the Lovels their ancient inheritance. In 1306 Richard Lovel prayed seisin of the lands, &c., of John de Soulis, in the shire of Dumfries, and also requested of King Edward the manor of old Rokesburgh, the right of his wife, daughter of the said John de Soulis, as the king had given him all the other lands of the said John. (*Origines Parochiale Scotiae*, i. 492; *Rotuli Par.*, i. 466.) In 1337 King Edward III. granted to Richard Lovel and Muriel his wife, the manors of Brehull and Sil-

* Charter Rolls in the Tower Records.

† There is in the General Register House a detached seal of Richard Lovel, which is thus described by Mr Laing in his recent Catalogue of Scottish Seals, "A lion rampant, the back-ground some of crosses. S. Ricardi Lovel."

‡ "Origines Parochiales," i. 341, and "Act of Scot. Parl." i. 81. In the Register of the Priory of St Andrews, mention is made of a charter of Robertus Lupellus Dominus de Hawic, probably in the 13th century.—*Vide* p. 261.

veston, to be held by them till the king should cause provide them with other lands and tenements of equal yearly value, in exchange for the manor of old Rokesburgh, which was part of the heritage of the said Muriel, and which the king, with consent of herself and her husband, retained in his own hands for the defence of the Castle of Rokesburgh. Afterwards the said Richard and James Lovel, the son of Richard and Muriel, and heir to his mother, entered to the manor of old Rokesburgh, and held it for a long time, together with the manors of Brehull and Silveston, levying all the profits proceeding from them; and the king, unwilling that prejudice and injury should thus be done to him, caused a conference to be held with Richard Lovel touching this matter, when he, considering the king's right, gave up to him the manors of Brehull and Silveston, and afterwards, on further deliberation, wholly and for ever quit-claimed them to John de Molyns, to whom they had been granted by the king, and the king, therefore, by letters patent quit-claimed to Richard and James Lovel the manor of old Rokesburgh.*

During the reign of David II. the Lovels, who seem to have continued stedfast in the allegiance of England, and who appear in the rolls of its sovereigns from 1296 to 1486,† attempted to recover their ancient patrimony. Thus we find that in 1347 the same Richard Lovel and his son James,

* "Par. Origines," i. 492. "A green mound and a few heaps of stones are almost all that now remain of the Roxburgh of the 12th and 13th centuries—its castle, mint, churches, chapels, hospitals, mills, and streets of trading booths."—*Mr Joseph Robertson's Lecture, read before the Archaeological Institute at Edinburgh, 25th July 1856.*

† In the reign of Richard III. (1482-1483), we find Lovel one of that usurper's ministers—

"The cat, the rat, and Lovel the dog,
Rule all England under a hog;"

alluding to the names of Ratcliff and Catesby, and to Richard's arms, which were a boar."—*Hume's History of England*, chap. xxiii.

having represented to King Edward III. that they had peaceably possessed the manor of old Rokesburgh, till taken from them by the sheriff on pretence of a certain ordinance of the king, concerning the taking into his hands of all lands granted by him in Scotland; he ordered the sheriff to restore the same, if actually found to be in the king's hands.*

In the same year King Edward III. directed the sheriff of Roxburgh to restore to Richard Lovel the barony of Hawick, if on inquest had it should appear, as alleged, that he and his ancestors had been from time immemorial seised in the said barony down to the time of the battle of Durham (1346), after which it had been taken by that sheriff in name of the English King.†

In addition to the barony of Hawick,‡ held by Richard Lovel, his wife Muriel § and her ancestors had been from time immemorial seised in the one half of the barony of Eskdale, or, as expressed in another place, of Wathstirker or Eskdale.|| Their connection with the barony seems to have ceased in the reign of King David II. (1329-1371), by whom it was granted to Maurice Earl of Stratherne.

The Lovels were the ancestors of the Earls of Egmont ¶ and of the Lords Lovel and Holland. See Collin's *Peerage of England*, by Bridges, article "Lord Lovel and Holland." For further notices of the Lovels, see also Nicolas' *Synopsis of the Peerage of England*, Madox's *History of the Exchequer*, and Harleian MS., 4268.

* "Par. Orig." i. 492.

† "Sco. Rolls," i. 699.

‡ The advowson appears to have been always in the hands of the lord of the manor, who for some centuries bore the name of Lovel.—*Par. Orig.*, i. 339.

§ They had a daughter of the same name.—Vide Nicolas' *Synopsis*.

|| "Sco. Rolls," i. 697.

¶ Spencer Perceval, First Lord of the Treasury, who was shot in the lobby of the House of Commons by Bellingham in 1812, was of the Egmont family.

IV. *Charter of the Barony of Hawick, under the Great Seal, in favour of Sir William Douglas of Drumlanark.**

James, by the grace of God King of the Scots, to all the good men of all his land, clergy and laity, greeting:—Know that we have given, granted, and by this our present charter have confirmed, to our lovite William Douglas of Drumlanark, Knight, All and whole the lands and barony of Hawick, viz., in property, the town of Hawick, with the mill of the same, the lands of Est Manys, West Manys, Crumhauch and Kirkton Manys, Flekkis, Murmese, Ramsay Clewis, and Braidle; and in tenantry, the lands of Howpaslot, Chesholm, Quhithope, Dridane, Commonside, Ovirharwod, Emetschelis, Teneside, Carlinpule, Nethyrharwod, Weyndislandis, Estir and Westir Heslihop, Langhauch, Laristoftis, Kirkwod,† Hardwodhill, Quhitchester, Fennyk, Edgaristoun,‡ Edgaristoun Schelis, Quhony§ with their annexed tenants, tenancies, services of free tenants, advowson and presentation of the churches and chaplainries of the same, with their pertinents, lying within our sheriffdom of Roxburgh: Which lands and barony, as well in property as in tenantry, with

* From the register of the Great Seal, L. 17, No. 50. Communicated by James Gordon, Esq., 10 Windmill Street, Edinburgh, the translator, who has also been so obliging, in conjunction with Joseph Robertson, Esq., of the Register House, as to revise the present sheet.

† Should have been Birkwod. See below, p. 101.

‡ Probably Adderstone. These several lands, although situated in diverse parishes, and partly discontiguous, are still in the barony of Hawick, and will, no doubt, be found so described in their modern title-deeds. They probably comprised the entire regality of Hawick. See Acts of Parliament of Scotland, vol. iii. p. 650.—Ed.

§ Called Quhalmes in the same work, vol. viii. p. 617.

their annexed tenants, tenantries, services of free tenants, advowson and presentation of the churches and chaplainries of the same, with their pertinents, formerly belonged heritably to the said William Douglas and his predecessors, and were recognosced in our hands on account of the alienation of the greater part of the same, without leave or confirmation of us or our predecessors thereupon had and obtained: And year and day having lapsed since the said recognoscing, and the same lands and barony not being let in wad, and the said William and all others having, or believing that they have, interest in the said lands and barony, being lawfully summoned to see and hear themselves decerned to have lost the same lands and barony in property and tenantry, and the same adjudged to pertain to us, and to have lawfully come into our hands by reason of forfeiture for the cause aforesaid, it was decreed and determined by the Lords of our Council, that all and whole the said lands and barony of Hawick, with their pertinents, tenants, tenantries, services of free tenants, advowson and presentation of the churches and chaplainries of the same, with their pertinents, should belong to us, and should remain with us in property and possession, and should be disponed of according to our pleasure; forasmuch as the said lands and barony, as before said, were alienated without license, consent, or confirmation of us or our predecessors, as was clearly proved before the said Lords, as is more fully contained in the decree and judgment thereupon pronounced. Moreover, for the good and gratuitous service performed to us of late by the aforesaid William, we have created, united, and incorporated, and by this our present charter, create, unite, annex, and incorporate all and whole the foresaid lands, as well in property as in tenantry, into one pure and free barony, to

Erection into
a free Barony.

be called in all time coming the barony of Hawick (to be), that the manor of Hawick be the principal messuage of the same barony: And also, for ourselves and successors, we will and ordain that the seisins to be taken by the said William and his heirs at the said principal messuage, shall be sufficient, and stand for all and whole the lands of the same barony held of us in ward, and that the seisins to be taken by them at the Moit of Hawick shall be sufficient, and stand for all and whole the lands of the said barony, held of us in blench farm, without any other particular seisin to be taken at any other place of the said barony in time coming:

Clause of
Confirmation.

And also, for ourselves and our successors, we have given, granted, and confirmed, and by this our present charter, give, grant, and confirm, to the said William and his heirs, all right, claim of right, title and interest, petitory and possessory, which our predecessors, we, or our successors, have had, have, or in any manner of way may have, in or to the fore-said lands and barony aforewritten, with its annexed tenants, tenancies, services of free tenants, mill, advowson and presentation of the churches and chaplainries of the same, or to the fermes, profits, and dues belonging the same, or to any part of the fore-saids, by reason of forfeiture, recognoscing, alienation of the greater part, escheat, resignation, non-entry of the heir of the same, or by reason of property, or in any other manner whatever, supplementing all defects, for whatever causeforesaid, unto the day of the date of these presents: And we have exonerated,

Clause of
Renunciation.

quit-claimed, and renounced, and by this our present charter exonerate, quit-claim, and renounce, for us and our successors, to the same the said William and his heirs for ever, promising, of our certain knowledge and proper motive, never to raise litigation thereon in time coming:—To be held and had, all and

whole the said lands and barony of Hawick, viz., in ^{Tenendas.} property the town of Hawick, with the mill of the same, the lands of Est Manys, West Manys, Crumhauch, Kirktown Manys, Flekkis, Murmese, Ramsay Clewis, and Braidle ; and in tenantry the said lands of Howpaslot, Chesholme, Quhithope, Dridane, Commonside, Ovirharwod, Emetscelis,* ^{Tene-} side, Carlynpuie, Nethirharwood, Weyndis Landis, Estir and Westir Heslihope, Langhauch, Laristoftis, Birkwod, Hartwodhill, Quhitcestir, Fennyk, Edgaristoun, Edgaristoun Schelis, and Quhomys, with their annexed tenants, tenancies, services of free tenants, advowson and presentation to the churches and chaplainries of the same, with their pertinents, united, created, and incorporated into one pure and entire barony, as is before said, to the said William and his heirs, of us and our successors, in fee and heritage, and in free barony for ever, with all its ^{In free} right, meiths, and marches of old, as they lie in length and breadth, in woods, plains, moors, marshes, ways, by-ways, waters, stanks, streams, meadows, pastures and pasturages, mills, multures and their sequels, fowlings, huntins, fishings, peateries, turfages, collieries, quarries of stone and lime, smithies, brew-houses, furze and broom ; with courts and their ^{With Courts} issues, herezelds, bloodwits, and fines of women : With pit, gallows, sok, sak, thole theme, in-fang ^{Pit and Gal-} theif, out-fang theif, pit and gallows, with free ^{lows, &c.} forest where woods and growing trees exist, with ^{Free Forest,} &c. vert and venison ; and escheates and fines according to the forest laws ; and with all other liberties, conveniences, and easements, and just pertinents whatsoever, as well specified as not specified, as well above the earth as beneath the earth, far and near, belonging, or which may in any way justly in

* In original this word is somewhat differently spelt here from what it is at the beginning of the charter.

The town of Hawick, with the privileges of a Burgh in Barony.

Reddendo.

An arrow.

And attending the Head Court of the Sheriffdom.

Power to infest the free tenants of Hawick by Charter and Seisin.

future belong to the foresaid lands and barony, with their tenants, tenancies, and pertinents of the same, foresaid: And the said town of Hawick, with the liberties and privileges of a burgh in barony, and *with all the clauses necessary to the creation of a burgh in barony,** freely, quietly, fully, entirely, honourably, well, and in peace, without obstacle, question, contradiction whatever: Paying the said William and his heirs annually, to us and our successors, for the said town and mill of Hawick, lands of Est Manys, West Manys, Crumhauch, Kirktown Manys, Flekkis, Murmese, Ramsay Clewis, and Braidle, with their pertinents, one arrow on the Feast of the Assumption of the Blessed Virgin Mary, at the said principal messuage of Hawick, in name of blench-ferme, if it be demanded only; and for all and whole the other lands aforeswitten, one suit at any one of the three head courts of our sheriffdom of Roxburgh, with the wards and reliefs of the foresaid lands, and marriage fines when they shall occur. We have also given and granted, and by this our present charter give (and) grant to the said William and his heirs, our full license, consent, and assent, to *infest by charters and seisins all the free tenants of the said barony of Hawick* in their tenancies, as freely and in the same manner as they held the same before the said forfeiture; which infestments to be made to the said tenants for ourselves and for our successors, now as then, and then as now, we approve, ratify, and we will and ordain that the same infestments shall be free of loss

* It might formerly have been doubted whether the burgh charter of 1537, granted by a mere subject, was not beyond the powers of its author, in so far as it created a corporation with such ample powers to the magistrates; but this clause, for the first time brought to light, constitutes a clear warrant for the act. In the various discussions, however, which have occurred regarding the constitution of the burgh, the present charter is never referred to, nor does even its existence seem to have been then known.—ED.

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and risk of forfeiture, or recognoscing to the said ~~Warrantice~~ thereof. William, his heirs, or his tenants, in the enjoyment of the said tenantries, and shall be of as much strength and effect as if they had been confirmed under our Great Seal : Reserving to the said William and his heirs, of the like rights, privileges, and dues of the said tenantries and tenants, as he or his predecessors had, or might have had, before the said forfeiture. In witness whereof, we order our Great ^{Testing Clause.} Seal to be affixed to the present charter, before these witnesses, the Most Reverend and the Reverend Fathers in Christ, Alexander Archbishop of St Andrews, &c., our chancellor, William Bishop of Aberdeen, keeper of our Privy Seal, Andrew Bishop of Caithness, our treasurer; our beloved cousins Alexander Earl of Huntlie, Lord Baidyenach, Archibald Earl of Ergile, Lord Campbell and Lorne, master of our household, Matthew Earl of Levenax Lord Dernelie, Alexander Lord Hume, our great chamberlain, Andrew Lord Gray, our justiciar; our well beloved clerks, Masters Gawin Dunbar, Archdeacon of St Andrews, clerk of the rolls of our register and council, Patrick Panter, rector of Tannades, our secretary, and Robert Colvill of Uchiltre, director of our chancery, at Edinburgh, the fifteenth day of the month of June, in the year of our Lord one thousand five hundred and eleven, and of our reign the twenty-fourth.

V. *Observations on the Tenure of Urban Tenements in Hawick.*

The late Professor Hume, in his *Academical Lectures on the Law of Scotland*, when treating of tenures thus remarked: "Before leaving this sub-

ject of the different sorts of tenure treated of in our books, as distinct and almost inconsistent with each other, I must observe that in point of fact we do not, when we go far back, always see them kept *distinct*, but often blended the one with the other. We find, for instance, many old charters which stipulate military tenure, and along with it the payment of a sum of money. There is a charter of Robert I. to be holden not only for military service, but also *Reddendo inde duodecim libras*. Another charter of the same parties of the lands of Hassen-dean to James Cunningham bears a reddendum of a pair of gilt spurs *nomine feudifirmæ*. Such a reddendum must be considered as indicating rather a blench-holding; and we should expect to find it in a blench-charter. But it sometimes occurs *nomine feudifirmæ*. The like occurs in charters to the royal burghs. Thus there is a charter which *stipulates* a payment of money only. This charter also sets out with the grant in the style of a feu-holding. There is the like charter to the burgh of Linlithgow. Again the burgh of Dumbarton has a charter dated in 1609, which is still more singular. It is in feu-farm, heritage, and burgage, thus expressly confounding them. Among the charters of David II. and Robert II. we find those granted to individuals directly by his Majesty, and the stipulation, in some instances watching and warding, and some payment to be made. In some instances, also, the civil tenure seems to have been confounded with the mortification tenure, as in a charter of 11th October 1537 to the burgh of Hawick."

On these and other obvious grounds it has consequently been a frequent subject of inquiry by non-resident legal practitioners how the form of title adopted here can be explained. Assuming that Hawick never had been a royal burgh, it has been asked

how a form understood to be exclusively applicable to such burghs came to be followed. The answer generally returned to these inquiries has been—that as to the principle of the rule no other solution could be advanced than the old one, *Non omnium quae a majoribus constituta sunt ratio potest reddi*; but as it had been adhered to with surprising uniformity for at least three centuries,*—in fact, from the earliest period of record,—its validity, on the ground of such inveterate and uniform practice, was never doubted. Counsel having been consulted on the subject in 1854, an opinion was returned by George Graham Bell, Esq., advocate, to the following effect:—

“ I am of opinion that the progress exhibited is not liable to any valid objection, and that consequently the memorialists may take the proposed security. Although the form of the title to the property in the town of Hawick is peculiar, I think it must be held valid in consequence of the long and

* Thus, as an instance, although not the earliest, in 1643 James Scott dispenses to David Scott a tenement in High Street, and obliges himself to infest the purchaser, “ be twa several infestments, the one wherof to be holden of me, my airs and successors in free blench, for the yearly payment of ane penny money of this realm, at the feist of Whitsunday, upon any part of the ground of the said tenement, in name of blench-farme, gif the samyn beis askit allenarlie, and the other of the said infestments to be halden frae me of my immediate lawful superiors of the said tenement in frie *burgage*, as the rest of the tenements in Hawick haldis the samyn;” and the procuratory of resignation empowers the procurator “ to compear before the right noble and myghte Earle James Earl of Queensberry, &c. &c., his sheriffs and barrounes of the barronie of Hawick, my immediate lawful superiors thereof, or before any one of the baillies of Hawick, present or to cum, having power and use to receive resignations.” There is said to be extant a sasine, dated 1554, in which infestment is stated to have been given by the baillies, “ *uti moris est burgorum*.” See printed record in process, *Hawick v. Wilson and Potts*, 1831. It is not unworthy of notice, that prior to 1836 a fee was paid to the baillies in receiving resignation and giving new infestment. It were to be wished that the fee had been modified rather than abandoned altogether, as it was a mean of keeping alive the recollection of an ancient practice.—See the *Berne MS.*; *Thomson Acts*, vol. i.

inveterate usage by which it is confirmed. The doctrine of *usage* or *consuetude* has been frequently recognised as sufficient to establish peculiar tenures or form of titles. The tenure and form of title adopted in Hawick is quite conformable with the charters of the town. It seems even to be recognised by almost express authority. Lord Bankton says, 'But in some borows of regality the heirs are, by immemorial use and custom, received by hasp and staple, as likewise in singular successors by resignation and seisin contained in one instrument *more burgi* in the same manner as in royal borows. This is the case of the town of Musselburgh and others.' (*Bankton*, ii. tit. § 80.) I understand the form of title used in Musselburgh to be substantially the same as that adopted in Hawick; see also case of *Scott v. Deans*, July 16, 1629, Mor. 6899. The validity of the title may also be regarded as proved by the fact that it has been acted and relied upon apparently for centuries, no direct challenge having ever been raised against it. I am aware that the title was very fully canvassed about twenty-five years ago in mutual declarators brought for the purpose of trying a claim made by the town-clerk of exclusive right to expedite all the sasines of property within the town held under Drumlanrig's charter. Although the peculiarity in the tenure and form of the title was fully argued upon, I scarcely think it was there maintained that the tenure and title were not good in law to the owners of the property. The real difficulty in the case was, how far the exclusive privilege or monopoly claimed by the town-clerk could be constituted by usage alone. No judgment was ever pronounced in the case."*

The case of Musselburgh, to which allusion is

* Communicated by Thomas Purdom, Esq., writer, Hawick.

made by counsel, will be understood from the subjoined queries in a case submitted to Lord Advocate Rutherford in 1847, with his Lordship's opinion thereon :—

“Query I. Whether, considering the original constitution of the Burgh of Musselburgh by royal charters confirmed by acts of Parliament, and containing power to the bailies of the burgh, as bailies to Her Majesty, to receive resignations and to grant new infestments, and the practice down to the present time of adopting the burgage form in the conveyances and sasines of heritages in this burgh, this form should still be adhered to after the Transference of Lands Act comes into operation, and if the forms should correspond with the Burgage Act (cap. 49), §§ 1 and 2, and schedules A and D thereof, and yet the sasine still continue to be recorded in the county register as heretofore ? or,

“II. Whether, seeing that the terms of the ancient charters and acts of Parliament authorizing the magistrates to receive resignations and grant infestments, have been somewhat varied in practice, and that the bailies have received resignations and granted infestments as representing the Town Council and community of the burgh, as immediate lawful superiors of the subjects, and that there has been no burgh record of sasines for about two centuries, the forms of conveyance of what have hitherto been denominated burgage subjects in Musselburgh should be in terms of sections 1st and 2d, and relative schedule A of the Act, cap. 48, for the transference of lands *not* held in burgage tenure, notwithstanding that the Musselburgh subjects do, with the exceptions mentioned in this query, possess all the other characteristics of the strict burgage holding ?

“III. Considering the nature of the rights in this burgh as before pointed out, and there being no

burgh register of sasines; also keeping in view that the practice to grant heritable bonds with precepts over burgage-subjects is not an uncommon one, what, in the opinion of counsel, should be the form, especially what should be the express terms, of the clause of registration in bonds over Musselburgh subjects under schedule A of the Act, cap. 50?

"IV. Would counsel reckon it proper that the register of sasines in this burgh should be resumed, not so as to supersede the registration in the county register of sasines as at present, but so as to fortify the titles, and adopt the spirit of section 6 of the Act, cap. 49, in the event of his considering that this act does, under all the circumstances, apply to Musselburgh property?"

Opinion.

"I. and II. The very anomalous tenure of tenements within the burgh, and the inconsistent practice which appears to have been followed in varying the tenure from burgage to feu in the same progress, present some difficulty in the application of these acts, which, however, it will be observed, are permissive, not compulsory. At the same time the difficulty is more apparent than real, and I think the memorialists will be safe in adopting the abbreviated clauses from either Act as suits the tenure. Thus, I am of opinion, that in the case where the tenement is held *de facto* *more burgi*, parties will be safe in adopting, as near as the case will admit, the forms of the 10th and 11th Vict., cap. 49. In the other cases, where the holding has become that of a feu-holding, I should advise the abbreviated form of the 10th and 11th Vict., cap. 48, to be followed. It does not appear to me that any solid objection could be stated to the use of the abbreviated forms in either of these cases. The sasine must be registered as

before in the General Register of Sasines, or in the County Register.

" III. I am of opinion, in the circumstances, that the clause of registration in bonds to be granted under the statute here referred to, must be for registration in the General or Particular Register of Sasines, not in the Burgh Register.

" IV. I should not think it proper to attempt any resumption of the Burgh Register of Sasines. I see no ground upon which such a course can be recommended, and the parties are quite safe in continuing the registration which has hitherto been in use. I have nothing further to suggest."*

From the terms of this opinion, his Lordship evidently looked upon the ancient tenure of Musselburgh as being proper burgage, to which, consequently, the rules prescribed by the Act 10th and 11th Vict., cap. 49, were applicable. It is understood, however, that the Lord Advocate's suggestion has not been literally adhered to, the advantages of a purely burgage-tenure having outweighed all other considerations; so that where the original title is *ex facie* of the older writs burgage, the feu-form has been abandoned for the ancient mode.

In connection with this subject, it is further satisfactory to be enabled to refer to another burgh, which closely resembles Hawick, both in the terms of its charter of incorporation and mode of tenure. This is the burgh of barony of Leslie in Fifeshire, which is independent of its superior the Earl of Rothes. By its charter power is conferred on the bailies to receive the entries of heirs and resignations of the inhabitants, and to grant heritable infestments thereupon, to be holden of the earls in feu-farm and perpetual emphyteusis, heritage and free burgage. In

* Communicated by Thomas Lees, Esq., town-clerk, Musselburgh.

the transference of property, the dispositions uniformly contain an obligation to infest by resignation; the holding is under the Earl of Rothes, and the resignation is in the hands of the bailies of the burgh for the time being, as in the hands of the earl, and no precept of sasine is granted. The instrument taken thereon is an instrument of resignation and sasine, similar in form to that adopted in royal burghs, and it is recorded in the County or General Register of Sasines. The entry of heirs is by cognition and sasine, and the symbols are *hasp* and *staple*, just as in royal burghs, with the addition of earth and stone, and the instrument is similarly recorded.

It will thus be seen that the resemblance between Leslie and Hawick, as regards the terms of their charters, as well as in the matter of tenure and form of title, is so very close, that whatever legal construction is put on the one may be held as applicable to the other.

After the passing of the late Conveyancing Acts, a doubt appears to have occurred to the magistrates of Leslie, whether the statute 10th and 11th Vict., cap. 49, relating to burgage tenures, or the corresponding statute, 10th and 11th Vict., c. 48, relating to non-burgage tenures, was applicable to that burgh. To solve this doubt, they, in May 1849, laid a case before the then Lord Advocate Rutherford and Alexander Currie, Esq., advocate, who returned the following

Opinion.

“We are of opinion that the Act 10th and 11th Vict., cap. 49, does not apply to the burgh of barony of Leslie, but that the Act 10th and 11th Vict., cap. 48, may be so applied. We must observe, however, that the Act 8th and 9th Vict., cap. 35, § 7, specially excepts such cases as the present, and that with re-

ference to that exception, and the very convenient form of conveyance which is prescribed or permitted by the charter of the burgh, it may be more than questionable whether the memorialists should avail themselves of the Act 10th and 11th Vict., cap. 48, or whether they should not continue to complete their titles as formerly, relying on the ancient usage and the authority of such cases, as that of Chalmers and others *v.* Magistrates of Paisley, 9th June, 1829, Sh. & D., vol. vii., p. 718; and others.

“ 2. We are of opinion that the mode of completing titles hitherto adopted is valid, and that while that system is followed, the superior is not entitled to entry or composition. But if the mode of completing titles be varied, as by having direct recourse to the superior, or by the adoption of the Act 10th and 11th Vict., cap. 48, we are inclined to think that the superior's right to entry and composition will open as accords of law. Although it may be plausibly contended that the grant of the burgh is equivalent to a taxation of entry and composition, still, we do not think that this can be quite relied on, and it affords another reason for continuing the form of the burgh infestment.” *

In further elucidation of this question, it may be observed, that a paper has lately been brought to light from the burgh archives, dated 1667, of the following tenor:—

“ The resolution (*i. e.* opinion) of Mr Thomas Nicolson and Mr John Gilmour, advocates, anent the town-charter of Hawick.

“ 1st, If the vassal lie non-entered, the bounding charter will not hinder the Earl to pursue non-entry; but if the present vassal be infest by the bailies, ac-

* Communicated by Roger Black, Esq., town-clerk of Lealie.

cording to *old use and wont*, it will stop the non-entrie.

“ 2do, The power of receiving resignations contained in the original charter extended to resignations made in favour of any person whatsoever, whether stranger, or such as have lineally descended from those to whom the first charter was granted.

“ 3to, The bounding charter needs not to be renewed.

“ 4to, If a several ratification be taken by every heritor of their particots, it will not prejudge the town and community anent the entry of heirs. Albeit the charter bears not that power *per expressum*, yet seeing it bears that the original infestments were burnt, and that they have power to give infestment upon resignations *quod est magis*, and since they have been in use both *before* the charter 1537 and after, to receive heirs, it is our judgment that the Earl cannot quarrel that power.

“ 5. If any take a new right from the Earl of their particots, it shall be expedient in that right to express that the receiver shall have right and power to enjoy all the privileges contained in the original charter. And hence we conclude there is no danger of the summons of non-entry, the haill vassals being infest as said is.

“ There are about 124 particots in Hawick.”

This memorandum or opinion (discovered in August 1854, and subsequent to the date of Mr Bell's opinion) seems to refer to the disputes which, in the time of King Charles II., subsisted between Lord Queensberry and the burgh. In the matter of tenure, it is satisfactory to find so close a coincidence of opinion between counsel at the distance of nearly two centuries. The writing is farther highly satisfactory, as establishing that there was a burgage tenure anterior to the burgh charter of 1537.

VI. *Charge against the Bailies of Hawick.*

Registrum Secreti Concilii Acta.

Apud Halyrudhous tertio die mensis Octobris
1627.

Forsameikle as the personnes underwritten, thay
ar to say, Allane Deans Millar, Allan Wilsoun,
George Dicksoun, callit the Wran; John Rewcastell,
Walter Scot, maltman; John Tait, pyper; William
Beatison, Robert Lidderdaill, callit the Corbee; and
Robert Langlands, all inhabitants within the town
of Hawik, ar lawfullie and trewlie given up be those
whom it concernis to be personnes fitt to be im-
ployed in his Majesties service in the warres. Lykeas
alsua James Wand, officer, James Towdop, William
Scot, callit the young Gillie; Johne Laing, pyper;
William M'Vite, Walter Fouller, and Andro Deanes,
alsua inhabitants of the said toun of Hawick, ar
personis of the rank and qualitie foresaid, and fitter
to be employed in his Majesties service nor to be
suffered loytering at hame, as has been fund be the
most pairt of those who has accesse to the inrolling
of the said personnes, altho' they cannot agree all
in ane voyce thereupon. Nevertheless the per-
sonnes foresaid shunnes his Majesties service, and
refuses to enter therein and embrace the same, and
be thair example gives occasion to uthers, who ar
given up for his Majesties service to
and shift the same. Therefore the Lords of Secret
Counsell ordains letters to be direct, charging the
bailleis of Hawick to bring, present, and exhibite the
haill personnis above written, before George Ves-
count of Duppline, his Maiesties Chancellor, upon
Saturday nixt, the saxt day of October instant, to

the effect he may give ordour for their employment in his Majestie's service, under the paine of rebellion, and putting of the saids baillies to the horne, or ellis that they compeire personallie before the Lords of his Majesties Privie Counsell upon the nynt day of October instant, and shew a reasonable caus why they sould not exhibite the personnes above written, with certification to thame, if thay failyie, letters sall be direct simpliciter to denounce thame rebellis, and put thame to the horne, and to escheate, &c.

VII. *Valuation of the Lands in the Parish of Hawick in 1627.**

Ane tryell and valuatione maid of the lands within the parochine of Hawik, gevin up be Robt. Ellot of Fallenesche, Walter Chisholme in Parkhill, Walter Gledstains in Quhitlaw, James Scot in Newbigging, Johnne Scot in Quhitope, Robt. Scott, bailyie, and Robt. Scot, bailyie of Hawick, Robt. Rewcastel thair, and Mr Rol.t. Cunningham, minister at Hawick, all having gevin thair oath before y^e Presbyterie for yt effect.

In this parochine there are 800† communicants. The paroche is 8 mylles in lenth, so that there are some rowmes 8 mylles or thairby from the kirk, which is in the east end of the parochine. It is likewyis 2 mylles in breid in some parts of y^e parochine.

It is ane spiritual benefice, a laick patronage before the Reformation. The Earle of Bukcleugh is pa-

* From the original valuation among the archives of the Kirk Session.

† This seems a very great number; but the figures are quite distinct in the MS.

trone, who payis to y^e minister 800 merks yeirlie, and leidis y^e teynd.

Thair is no fundatioun for ane schole; thair is no provision for ane schole, bot thair is verie great necessitie of a schole, since thair is ane laurge toune whiche has no common gudes at this tyme, nor casualties wherebie they may sustene a scholemaister; and since it is in a remote pairt of y^e kingdome, where there is great ignorance, ane of the chief causes thairof being this, for want of scholes q^r children may be educat.

The particular valuationes of the particular rowmes of y^e said parochine.

Imprimis, thair are 28 husband lands in the toune of Hawick, paying presentlie 200 bolls of victuall in stok. This is estimat to pay *communibus annis*,* fyve scoir and 12 bolls in stok, and 28 bolls in teynd.

Item, thrie lands callit Weyndslands, paying no ^{Weynds-}_{lands.} some; estimat to pay in stok 12 bolls, in teynd 3, *communibus annis*.

Item, three lands callit the Schawis, paying pre-_{Schawis.} sentlie 12 bolls; estimat to 8 bolls in stok and 2 bolls in teynd, *communibus annis*.

Item, ane land callit the Trowhauch; estimat to 4 Trowhauch. bolls in stok, 1 boll teynd, *com. an.*

Item, the Trinity land, paying presentlie 20 bolls; ^{Trinity land.} estimat in stok to 12 bolls, in teynd to 3 bolls, *com. an.*

Item, the Ladyland, estimat to 4 bolls in stok, ^{Ladyland.} ane boll in teynd, *com. an.*

Item, tua lands in Burrow rudes, estimat to pay 8 bolls in stok, 2 bolls teynd, *com. an.*

Item, y^e Kirkland, payand presentlie 32 bolls in ^{Kirkland.} stock, estimat in stok to 12, and 3 bolls of teynd, *com. an.*

* That is, one year with another.

Myll land. Item, the Myll land, estimat to pay 3 bolls in stok, and 3 firlotts teynd.

Hillisland. Item, Hillisland, paying 12 bolls, estimat to 8 in stock, 2 in teynd, *com. an.*

Burnflat. Item, the Burnflat, estimat to pay 4 bolls in stok, 1 in teynd.

Crummach. Item, Crummach, it payit 20 bolls aits ; estimat to 8 bolls victuall in stok, 2 bolls teynd.
All thir 51 lands adjacent to ye^e toune are estimat to pay nyne scoir 15 bolls in stok, 49 bolls in great teynd, laik ane firlot, and 20 libs of vicarage.

Lands distant from the Kirk ane mylle.

Quhitlaw. Imprimis, the lands of Quhitlaw, 1 myll from the kirk, *neuer payit ferme*,* estimat to pay 100 merkis in stok, 2 bolls in parsonage, 5 lbs. in vicarage.

Flex. Item, the Flex, estimat to 100 merks in stok, parsonage 2 bolls, vicarage 5 lbs.

Gowdilands. Item, Gowdilands, neuer payit ferme ; estimat to pay 100 lbs. in stok, parsonage 3 bolls, vicarage 7 lb. 10 sh.

Lands distant 2 or 3 myllis.

Phenik. Phenik neuer payit ferme ; estimat to pay 8 bolls in stok, parsonage 2 bolls, and vicarage 3 lbs.

Altonne Croftes. Altonne Croftes is of that same nature.

Raisknow. Raisknow pays presentlie in stok and teynd 26 bolls ; estimat in stok to 14, and 3 in parsonage, 4 lbs. in vicarage.

Alanehauchmyll. Alanehauchmyll, estimat to pay 2 bolls in stok, half boll in teynd.

Quhichesters. Quhichesters, estimat to 16 bolls in stok, 4 bolls parsonage, 7 lb. 10 sh. vicarage.

Upper Southfield. Upper Southfield payis in stok and teynd 15 bolls ; estimate in stok to 8, in parsonage 2 bolls, vicarage 3 lbs.

* *i. e.*, probably had never been let to a tenant for rent.

Nether Southfield of that same nature. Nether Southfield.
 Hawick Scheills of that same nature; vicarage Hawick
 4 lbs. Scheilla.

All thir are estimat to pay in teynd 24 bolls, and
 one half in parsonage, and y^e vicarage estimat to
 45 lbs., com. an.

Lands distant 3 mylls from the Kirk.

Branxholmetoune payis presentlie 32 bolls in stok Branxholme-
 and teynd; estimat to pay 16 in stok, 4 in parson-
 age, 7 lb. 10 sh. in teynd, com. an. touna.

Branxholme Maynis is estimat of that same rate. Branxholme
 Todschahill payis 21 bolls stock and teynd; esti-
 mat to pay in stock 12 bolls, parsonage 3 bolls, 3 lbs.
 vicarage. Maynia.

Todschahauch, estimat to pay 6 bolls in stok, 1 boll half boll in teynd, 3 lbs. vicarage. Todscha-
 hauch.

Chapelhill pays in stok and teynd 15; estimat in Chapelhill.
 stock to 8, in teynd 2, and vicarage 3 lbs.

Castelhill pays 16 in stock and teynd; estimat ac- Castelhill.
 cording to the former.

Vailles estimat (not legible) . . . lbs. vicarage. Vailles.

All thir in parsonage, teynd, are estimat to 32
 bolls in great teynd, in small to 30 lbs., com. an.

The rowmes that follows are for y^e most paift far
 distant fra the kirk, some 4, 5, 6, 7, 8 mylles, the
 most paift has either no corne, or very littill, grow-
 ing, for they are hieland rowmes set for maill.

Imprimis, the *Hott*, it may pay com. an. in stok *Hott*
 50 merks, in teynd 10 merks.

Item, y^e 25 merk land of *Teynsyde*, estimat corn *Teynside*.
 to 500 merks in stok, and to 100 merks in teynd.

Item, the 12 lb. land of *Commonside*, may pay
 com. an. 240 lb. in stok, 48 lb. in teynd.

Item, the *Weynis* may pay com. an. 40 merks, 8
 merk in teynd.

Fallinesche. Item, Fallinesche, estimat to 300 merks in stok ; in teynd to 40 lb.

Mirrinies. The Mirrinies may pay 40 lb. in stok, and 8 merk in teynd.

Heislope. Heislope, no corn growing thereon ; estimat in stok to 100 lb., in teynd to 16.

Langowater. Langowater, siclike ; estimat to 20 lb., 3 lb. in teynd. No corne.

Blackcleuch. Blackcleugh, estimat in stock to 20 lb., vicarage 4 lb. ; no corn.

Raschegrane. Item, Raschegrane, Ormscleuch, Commonbrae, in stok 120 lb., in teynd 20 lb.

Howpaslot. Howpaslot, in stok estimat to 300 merks, vicarage 32 lb.

Craikhope and Noirhop. Item, Craikhope and Noirhop, estimat to 100 lb., vicarage 16 lb.

Eilrig. Item, Eilrig to 200 lb., in vicarage to 32 lb.

Phillip. Item, Phillip to 200 merks, vicarage 20 lb.

Broadleyis. Item, Braideleyis, estimat to 50 lb. in stok, 10 lb. in teynd.

Muslie and Wodburne. Item, Muslie and Wodburne to 120 lb., vicarage 20 lb.

Chisholme. Item, Chisholme 120 lb., vicarage 20 lb. ; Parkhill 100 lb., vicarage 20 lb. ; Lairhope to 50 lb., and vicarage 10 lb.

Quhoims. Quhoims estimat to 40 merks, vicarage 8 merks.

Quhittope. Quhittope is ane corne rowme estimat to pay 16 bolls *com. an.*, 3 bolls in personage, 7 lb. 10 sh. in vicarage.*

This is the valuation of the whole rowmes within y^e Parochine of Hawick in stok and teynds, &c. Witnesses to the subscriptioun of y^e fornamat personnes valuars of the said lands, subscryvit upon y^e fyftene day of Julii, anno 1627 : viz., John Scot in

* Borthwick water seems to have formed the northern boundary of the parish.

Rob^t Ellot of Fallinesche, Walter Gledstains in Quhytlaw, James Scott in Newbigging, and John Scot in Quhitop above namit, with our hands at y^e pen led be y^e notar, underwritten at our command. Ita est Andreas Sword, Notarius Publicus, de mandato dict. parsonarum scribere ut asserunt nescien. requisitus testantibus meis signo et subscriptione manualibus. (Signed) Robert Scot, Baillie, wh my hand; Walter Chisholme, Ro. Rowcastell, R. Coninghame, minister at Hawick; Robert Scot; Johne Scot, witness; James Gledstanes, witness; Johne Sword, witness.

Ane Answer to certain articles q^runto some of our elected sworne men would not subscryve; given up by the Minister.

1. First, anent the scool ther wad be ane hundreth punds allowed for the maintaining of a scool in this large toune.

2. There are heir sum lands, vitz., the kirk land, extending to 32 acres of land, possest by my Lord Buccleuch.

There is a three merk land, called the Trinity land, possessed by my Lord Buccleuch and Walter Gladstanes of y^e Dod.

Ther is a land, called the Ladyland, possessed by Sir Walter Scott of Goudilands, ther are sick lands as are pretendit to belong to the kirk. Thir articles, some of the sworne men, vitz., Robert Scot, presentlie bailie at Hawick, and Walter Gladstanes of Whitlaw wad not suffer to be insert among the rest, q^rfor I could not leave out thir having sworn to obey the articles of the commission, and therefor I have subscribed thir with my hand. (Signed) R. Cunningham, minister at Hawick.

VIII. *Commission by the Town-Council in favour of part of their number to proceed to Edinburgh, for the purpose of concerting an equal division of the Common between Lord Queensberry and the Burgh.**

We, the persons underscrybing, the ane of the present baillies and councillors of the towne and burgh of Hawick, and twa for everie trade, as representing the whole body, communitie, and incorporation of the said burgh, be the tenor hereof, give and grant full power, warrant, and commission, to Walter Scott, the uther present baillie of the said burgh of Hawick, and to James Burne, Walter Chisholme, Walter Purdome, and James Thorbrand, late baillies thereof, *conjunctlie*, to repair to Edinburgh the 27th day of February instant, and there to settle and agree with the noble and potent Erle William Erle of Queensberrie, &c., our noble lord and superior, anent the *equall divisioun*, between his Lordship and the said Burgh of Hawick, of the commone of the said burgh (the burgh having the first choyse), and confirmation of the originall rights or charters of the said burgh, and whole ancient rights and privileges thereof, and granting, settleing, and establishing to, and upon the said burgh, of all and whatsumever the remenant, benefices, privilidges, and immunitiess contained in such severall Articles and overtors to be represented to his Lo^r. thereanent, as ar or sall be consulted, moved, and proposed be our said commissioners in order thereunto, with the best advyse and information of men of law and judgement; and which are holden as for exprest in this our commis-

* From the original draft among the archives of the Burgh of Hawick.

sion: And that in sic sure forme and manner as shall be most effectuall of the law, and conduceable to the good and benefite of the burgh: And upon sic reasonable and equall termes and conditions, as with advyse of a lawer and advocate may be most conveniently agried unto and condescended upon: And with full power also to our fyve commissioners foir-said conjunctlie to doe everie thing requisite anent the premises, that we, and every person heirin interested and concerned, might doe our selfes, if we wer personallie present, tending to the good and weill of the said towne and burgh, benefices, friedomes, and priveledges thereof, as they will answer to God and ane good conscience. And this our commission to stand and continue in full force and effect ay and whill the sixth day of the month of Marche next ensuing exclusive allenarlie, that report may be made of their due and faithfull diligence, as accords; under and upon the express protestation always, that any overters that shall be made be our said commissioners in reference to the settling of the foresaid divisione, and of the uther conditions relating thereto, be vertue of this our commission, shall in noways prejudg the antient and just rights and privileges of the said towne and burgh of Hawick at no time hereafter, if sua be that the said intended agreement shall not now settle and tak effect, and for the more securitie we ar content, &c., and consent that thir pntis be insert and registrat in the Books of Council and Session, therein to remain *ad perpetuam rei memoriam*, and to that effect we constitute

our lawful procurators, &c., *promitten de rato, &c.* In witness whereof, we have subscribed these presents with our hands as follows:—Written be Andro Rutherford, Notary Public at Hawick, the 22d of February [year wanting, but probably 1672.]

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IX. *Trial of the Bailies of Hawick for Riot &c., in 1673.*

The riot at St Jude's Fair, in this year, led to an indictment* before the Lords of the Privy Council, at the instance of Sir John Nisbet, the then Lord Advocate, the Earl of Queensberry, and others, against the Bailies, and James Thorbrand, wright, James Scott, called Ormeston, James Gladstaines, late baylie, Walter Scott, glover, William Scott, eister, James Scott, litster, James Liddell, merchant, William Layng, Michael Turnbull, wright, Samuel Newby, Andro Liddell, servant to Widow Layng, William Scott, merchant, Jon Bridges, flesher, Robert Rucastle, George Deins, flesher, Andrew Eiston, John Chisholme, James Hardy, maltman, Jon Symson, skinner, Walter Gladstains, wright, Walter Oliver, merchand, Jon Turnbull, merchand, Jon Deins, James Henry, James Brydon, William Waugh, wright, Walter and William Scott, glovers, Jon Beaty, merchant, John Scott, called Yles,† Adam Martin, carrier, and James Baudy, all in Hawick, charging them with the "Crimes of riot and convocation of our lieges, wrongous imprisonment, and abusing of our authority, as a mean of oppression and injustice, and the making of insolent and arbitrary acts, statutes, and ordinances, to the prejudice of our laws and council, and correspondence amongst our subjects." The libel then narrates that the Earl's bailie officers and tacksman,

* The served indictment is among the burgh archives.

† i.e., Probably wanting an eye, or a peculiarity in the eye—

"She gave strange osiliads, and most speaking looks."

King Lear, Act IV. Scene 5.

This nickname has been preserved, and is pronounced, osilly.

when about to ride and set the fair,* and expecting the concurrence of the bailies and the other accused parties, were attacked by them " and their complices, all bidden in fear of weir,† armed with swardes and other weapons, invasieff to the number of 200 people, who did impede them from setting the fair, and particularly did assault and invade the said John Leathen with drawn swardes, and masterfully pulled him off his horse, tore off his clothes, and struck him;" and did further, " without so much as laying any crime or fault to his charge, summarilie imprison William Hardy, the Earl's tacksman of the customs, in their tolbooth :" Farther, that the said accused parties, " upon occasion of any differences which they have against any persons, and especially against the Earl's tenants and vassals, presume at their own hand to abuse their authority, and to make statutes and ordinances inhibiting and discharging the inhabitants under great certification, to supply and intercommune with any of our leiges against whom they conceive any prejudice, and particularly discharges those inhabitants to sell them meat and drink, or shoe their horses, or any other tradesman within their town to work to the pursuers, thereby imposing on the inhabitants and abusing their authority; and which acts and ordinances they do make on occasion of differences with their neighbours, and in special upon occasion of some debates and differences between them and Mr Patrick Cunningham, vassal to the Earl. Likeas the said pretended bailies do, upon all occasions, presume to impose stent upon the inhabitants, and the vassals and tenants of the said Earl, and thereby impair their fortune and estates at their pleasure, whereby

* This ceremonial, which seems to have been common in the Scottish burghs, was probably an imitation of the riding at the opening of the Scottish Parliament, the bailies being theoretically the representatives of royalty.

† *i.e.*, Arrayed in armour.

the said pretended bailies and other persons complained upon are guilty of the crimes of riot, convection, and wrongous imprisonment, and usurping of our authority, oppression, making of most unwar-rantable statutes, to the oppression both of the Earl's vassals and tenants, and the inhabitants, and ought therefore to be exemplarily punished in their persons and goods, to the terror of others to do or commit the like in time coming."

In their answers the defenders, besides a general denial of the charges, aver :—1. That no crime can be inferred against them, it being usual upon the fair day for the bailies and other inhabitants to con-vene, and assist the Earl's bailies, &c., whereunto they are bound in duty, being a *Burgh of Regality*.* 2. That so far from approving of the disturbances, they, on the contrary, fined and imprisoned all whom they knew to be accessory thereto. 3. That the imprisonment of William Hardy, the Earl's tacks-man, was just and legal, he having " exacted more than the usual custom, and thereby oppressed his Majesty's lieges who repair to the mercats ; and having been challenged and reproved therefor by the bailies, he was so far from acknowledging his fault, or promising amendment, that he gave them most opprobrious and injurious language ; and, notwithstanding, he was only, for the same faults, de-tained some few hours in prison. 4. As to the charge against them for imposing stents : (1.) The libel is not relevant, being only general, and not condescending either on the time or the particular sums imposed, and which, if they were condescended upon, the defenders would either deny or elide the same. (2.) None of the Earl's vassals, tenants, nor the inhabitants are complainers here. The bailies im-pose no stents but such as are warranted by authority

* This mistake has often been pointed out.

and for public uses, or what are for the common good of the inhabitants, and by their consent, and for defence of their rights. "The Earl of Queensberry, *pursuer of this Complaint*, having reduction and improbation against the town and hail inhabitants, who have any real interest, which is now dependit before the Session thir several years, and which they were necessitate to defend, upon account whereof some difference betwixt the Earl and the town anent the commontie, whereunto the town has undoubted right and possession, this groundless libel is raised and pursued against the town and commontie, who never failed in their duty, but are, as they have always been, ready to do all duties, as becomes faithful vassals, and yet, notwithstanding, upon the account of the foresaid particulars of the Earl having taken up a prejudice against them, he, or at least his bailies do, by all means endeavour to oppress, harass, and impoverish them, as may appear by the supplication and complaint given in be thir defenders to your Lordships, and whereunto they humbly crave and expect from your Lordships justice, redress, and relief, and to be assolized from this groundless and calumnious persute."

This is a remarkable trial, occurring at an interesting period of history. The reign of Charles II. affords too many unconstitutional precedents, and these actions are not calculated to alter the general opinion touching the practices then prevalent in our supreme legal tribunals. A detail of the whole grounds of difference between Lord Queensberry and the burgh has not been preserved, but enough remains to prove that there existed no solid grounds for either the criminal or civil suit. That Lord Queensberry, however, rather than the Lord Advocate, was the chief prosecutor, is shown by the defences which bear to be given in to the complaint pursued against them by Lord Queensberry alone. The precise nature of the action before

the civil court against the town and haill inhabitants has not been discovered. From a contemporary writing preserved, it appears that Mr Thomas Nicolson and Mr John Gilmuir, advocates, had in 1667 been consulted regarding certain disputes between the superior and the burgh. One of their "Resolutions or opinions" bears, "If the vassal lye non-entered, the bounding charter will not hinder the Earl to pursue non-entry: but if the present vassal be infest by the bailies, *according to old use and wont, it will stop the non-entrie;*" and again,— "If any take a new right from the Earl of their particots, it shall be expedient in that right to express that the receiver shall have right and power to enjoy all the privileges contained in the original charter, and hence we conclude there is no danger of the summons of non-entry, the haill vassals being infest, as said is." From these notices it may be conjectured that the Earl had been farther endeavouring to force the vassals individually to enter with him as their superior, thus overturning their privilege of a burgage tenure. But nothing is certainly known regarding the merits of the action of reduction against the burgh, farther than that it must either have been abandoned by the Earl, or judicially determined in favour of the burgh, since the common remained intact for another century, when it was divided in a satisfactory manner.

It would appear, from the tenor of the defences in the criminal suit, that the Earl's want of success in the reduction had induced him to attempt to overawe the burgh by bringing the magistrates, &c., before a criminal bar, where his chance of succeeding might be greater. Nothing, however, can be well conceived more frivolous than the indictment before the Privy Council. The heterogeneous charges of riot, convocation of the lieges, abusing the King's authority, making arbitrary acts, oppression, and wrongous imprisonment,—all so

unlike each other, lumped together to give a colourable appearance to the complaint,—show how little solid grounds existed for instituting the proceedings. So far from being chargeable with delinquency, the magistrates appear to have acted with great propriety on the occasion referred to. A formal protest was taken by them on the very day of the alleged riot, in which they repudiate all connection with it, affirming amongst other things, that it took place “outwith the West Port,” which seems to have been then considered the verge of the burgh; and being thus beyond their jurisdiction, they could not be answerable for any irregularity that occurred. Then as to the incarceration of the tacksman, it appears that that individual, having been deemed to be riding on the rigging of his commission in exacting excessive custom, justified himself by *abusing* the bailies, and it was therefore perfectly consistent with the then law and practice of the burgh, particularly on a fair-day, to proceed against him as they did. The charge of imposing arbitrary stents, none of which are even specified, is scarcely less preposterous than that of convocating the lieges, since any such stent, if irregular, must have been either null in itself, or its validity fell to be tried in a civil court alone. The Lord Advocate, although a person of great ability, cannot well be excused. Had he only given his concurrence that, as mere matter of form, might have been overlooked, but the complaint being directly at his own instance, no small part of the blame rested with his Lordship.* At the present time it seems surprising how magistrates should have been called on to answer before a criminal tribunal “in their *persons and*

* See the Lord Advocate's character in Laing's Scotland, vol. iv., p. 13. “At that time,” says the historian, “in the hands of the rapacious Duchess of Lauderdale, everything became venal in Scotland. The Privy Council and the courts of justice were filled with Lauderdale's creatures.” (Vol. iv. p. 62.)

goods," for acting in their judicial capacity, according to the best of their judgment.

The proceedings in these two cases, between which there was evidently a close affinity, contribute to swell the list of dark deeds that disgrace the reign of Charles the Second.

These disputes had probably some weight in inducing Lord Queensberry to dissolve his connection with the burgh, which took place soon afterwards,* by the alienation of the barony—it is traditionally said by excambion (although Lord Advocate Montgomery in his notes says by purchase)—in favour of the Buccleuch family.

X. Petition of the Merchants of Hawick to be relieved from the freedom of Trade-tax.

“ Unto the Right Honourable the Commissioners appoynted for regulating of trade betwixt burghs royall, regality, and barony;

“ The PETITIONE of Patrick Richardsone and Robert Hardie, merchants in Hawick (belonging to her Grace the Dutches of Buccleuch), for themselves, and in name and behalf of the other traders within the said toun of Hawick;

“ Humbly sheweth,

“ That the said toun of Hawick being more remote and farder distant from the sea than any other toun in Scotland, being above thretty myles, so that they neither bring home nor vend any staple commodities,—at least what they vend is but very inconsiderable, and bought aither from merchants in Ed^r

* The charter under the Great Seal in favour of James and Anne, Duke and Duchess of Buccleuch, appears on record 26th Feb. 1675.

or Jedburgh,—and that any goods they trade with is but the product of the countrey, such as skins, wool, cheese, &c. Lykeas, by reasone of the scarcitie these years byepast, which yet continues, their trade is very much decreased, and almost altogether ruined, which is well known to the haill country about, so that they are unable to bear any proportione of the taxt allowed to be imposed by the royall burrows, conforme to the late act of Parliament.

“ May it thairfor please yo^r Lo. to take the premises to your serious consideracione, and to frie and exeem us from any proportione of the taxt to be laid on by the royall burrows upon burghs of baronie or regality, seeing we are not able to pay the samen for the reasones forsaid, and to absolve us therefrom. And yo^r petitioners shall ever pray.”

“ *Edinb. 20 March 1699.*

“ The Commissione of Parlat for settling the communication of trade, having considered this petitione, they modifie one shilling six pennes Scots as the quota of the stent-roll payable by the town of Hawick monethly, with ane proportionall relieve from the rest of the onfrie traders within the shyre of Roxburgh, and approves the report of the committee yrancient. (Signed) “ MARCHMONT, Cancellar: (Chancellor) “ J. P. C.”

There is also a petition from Kelso, whose grievances are stated to be the great scarcity,—continual quartering of soldiers,—and the town having been lately burned to ashes by an universal conflagration,—whereby there was such a decay of trade that the few traders who lived therein about the time of the conflagration had since removed to follow their trade in other parts of the kingdom. The assessment was

for the county of Roxburgh, 11/6; whereof Kelso 8/, Hawick 1/6, Langholm 10, Melrose 6, Yetham 8, with relief to these towns from the remaining unfrie traders of the county, to be subdivided by the magistrates, &c. The above sums do not exactly show the relative importance of these towns, as the quota was laid more heavily on those situated nearest the sea. Langholm was at that time in the county of Roxburgh. (*Acts Par. Scot. x.*, p. 110.) See as to relief before, under dates 1698 and 1701.

XI. *Statistical Account of the Parish of Hawick in 1738.**

The parish of Hawick, in the county of Roxburgh, commonly called Teviotdale, because the water of Teviot has its course for the space of 25 miles in the middle of the county, taking its name at a place called Teviot Stone, 11 miles west from the church of Hawick, and losing itself in Tweed at Kelso, 14

* Communicated by William Ogilvie, Esq., of Chesters, chamberlain to his Grace the Duke of Buccleuch. In a letter dated Jedburgh, 17th January 1825, transmitting the account to a friend, Dr Thomas Somerville states,—“I found the inclosed account of the parish of Hawick among my father’s papers, and think it may amuse you. It is written in my father’s hand, and I conjecture the original had been sent to Mr Hugh Somerville” (probably writer to the Signet), “who was my father’s relation and correspondent; the date probably 1738.”

Mr William Somerville, compiler of this statistical account, in 1753, only four years before his death, and when a very old man, married Isabel Scott, liferentrix of Whitehaugh, also above 70 years of age. (See *Morison’s Dictionary*, p. 2959, 19th June 1761.) It has been often affirmed that he was the “little round fat oily man” immortalized in the “Castle of Indolence.” But the late Mr Robert Armstrong of Hawick, grandson of Mr Riccalton of Hopekirk, the bosom friend of Thomson, and who was likely to be accurately informed on the subject, maintained with much confidence that this was not so, the real party being Mr Murdoch, a clergyman. Thomson in 1738 addressed verses to a gentleman of that name, then rector of Stradishall in Suffolk, which leave little doubt that he really was the “oily man.”

miles east by north from it. This parish, from the eastmost to the westmost house, is about 11 miles in length; but if you measure the grounds belonging to these houses or hamlets, it will be above 13. It is bounded on the east and south by the parish of Cavers, except in one part of the south a parish called Kirkton cuts through the parish of Cavers, and reaches to that of Hawick, and thus borders with Hawick parish for the space of about 2 miles, and then the parish of Cavers falls in again. 'Tis bounded on the west by the parish of Westerkirk,* which lyes on the river of Esk, on the north and north-west by the parish of Roberton, which parish was erected since the Revolution, at which time another called Hassendean was sunk, and the stipend of the latter declared to for ever belong to the minister of the former. 'Tis likewise bounded on the north by the parish of Wiltown.

The church and town of Hawick stand on the south side of Teviot, and the steeds or hamlets betwixt that water and another called Slitrig,† belonging to the parish (except where the parish of Kirkton, on the north side of Slitrig, falls in), for the space of 3, and in some parts near 4 miles; then another water, called Allan Water, which rises from the mountains yt divide yt part of Roxburghshire commonly called Liddesdale from Teviotdale; from that water westward, the south side of Teviot lyes in the parish of Cavers even to yt very spot from

* By the erection of the parish of Teviothead in 1850, the dimensions of the parish of Hawick were greatly curtailed. In regard to the poor, the two parishes remain as before the di-junction.

† In Pont's Map, of date 1646, in the Advocates' Library, the one stream is named Teviot and Tiot, both ways; the other Slitrik. Mr Chalmers states that Slitrig is not the original name. This appears, from Reginald the Monk of Durham's book, "Of the wonderful Works of the Blessed Cuthbert," to have been Slitrithe. (See the "Surtees Society's Volume for 1835.") Similarly, Ettrick has been corrupted from Aterith. (See "Scenes of Infancy," note to Part I.) The Slata of Leyden is without doubt purely poetical.

whence it springs. On the north side of Teviot, again, there falls another water into it called Borthwick Water, about a large mile west from Hawick ; eastward from that water lyes the parish of Wilton on the north side. But at that water the parish of Hawick crosses Teviot Water ; and all the north side of it, from Borthwick Water till its very spring, is in the parish of Hawick.

To give the number of every little herd's house within the parish, I suppose that is not the design of your question ; but there are in this parish (besides the town of Hawick) about 31 steads or hamlets, some of which contain 70, some 60, examinable persons. In ye whole parish yr are 1800 catechisable persons, two-thirds of which are in the town of Hawick, and ye oy^r 600 in the country part of the parish ; what ye number of oy^rs may be, I know not, being so young we don't reckon them. The Register of Baptisms follows :—

	Males.	Females.	Both.	
1737.....	37	41	78	Y ^r are some called
1738.....	29	36	65	Seceders amongst
1739.....	43	35	78	us who don't re-
1470.....	39	29	68	gister ye baptism
1741.....	25	35	60	of their children ;
1742.....	27	21	48	by a computation,
1743.....	36	37	73	these may be 5 in
				2 years, or 3 every
				year.

Of burials we have no register. Our church, I find, before the Reformation, was called St Mary's Church,* having been dedicated to ye V. Mary by Adam, Abbot of Melrose, and elect B. of Caithness, anno 1214.† Keith says it was a parsonage, but places it wrong in the shire of Selkirk or Forrest ;

* Algar, Prior of Durham, who is named as taking part in the removal of St Cuthbert's remains to the new cathedral there in 1104, is stated to have ministered at the altar of St Mary's in Hawick. (See as to Algar, Reginald of Durham's book, chap. 137).

† Chalmers states that this bishop was burnt in his palace of Halkirk in 1222.—*Caledonia*, v. i. p. 635.

and I find one Mr Robert (William) Fowler, parson and vicar of Hawick, grants a tack of the teind, with consent of Walter Lord Buccleuch, patron, to Sr Gedion Murray of Elibank, anno 1608, and the latter dispones the said tack to the former that same year ; and his Grace the present Duke of Buccleuch, his successor, continues to be patron and titular of the teinds, and pays the whole stipend, which is (according to a decree of locality dated 1650) 800 merks in money, three chalders of oats, and one chalder and a half of beir, Lithgow measure, with L.5 sterling for communion elements.† There is likewise a tolerable manse and a glebe, the value of which, methinks, depends on the industry of its present possessor. I can only say, that arable and unarable, it will be seven acres of ground.‡

As the considerable families have been in use to bury either in the body of the church or in aisles appended to the church,§ and many alterations having been made in the church, we cannot say that there are sepulchral monuments or tombs, or remarkable epitaphs. The family of Buccleuch, for many generations, were wont to bury in an aisle appended to the quire. But I only find their bodies in lead coffins, with sheets of lead, with their names and armes fixed to the heads of their coffins. Walter Earl of Buccleuch, who died 1633, is the last of the family whose ashes lie in this place.

† The present stipend, awarded in 1852, is 17 chalders, or 136 bolls of meal, the like quantity of barley, and L.65, 12s. 7½d. in money, including L.10 for communion elements, exclusive of the glebe and manse.

‡ The glebe alluded to was the field lying betwixt the Loneside and the Carlisle road, immediately west of Myreslawgreen. It was afterwards exchanged for the grounds on which Slitrig Crescent is built, hence called the new glebe, and a farther change transferred it to Well o' Gateside.—ED.

§ It was the general wish to be interred as near the church as possible, but this superstitious feeling has long ceased to exist.—ED.

In an aisle* below the steeple there is a grave-stone upon one Walter Scott of Gowdilands,† and likewise another stone erected by the wall, and touching the head of the grave-stone. On that stone which is erected on the wall are cut by raised letters what follows :—

THE DESCRIPTIOVNE OF VALTER SCOTT OF GOVDILANDIS
HIS QVALTEIS

Heir lyis Bvriet visdome & virthiness
Heir lyis Bvriet Trevth & Honestie
Heir lyis Bvriet Fridome & Gentris
Heir lyis Bvriet Manhude & cheritie
Heir lyis Bvriet Largeniss & Lavlie
Heir lyis Bvriet Hap and Experience
Heir lyis Bvriet Pietie & Diligence
Glorie be to God for all

Upon the stone which lyes over the body is as follows :

VALTER SCOT HIS GENEALOGIE.

Her lyis in this Sepvlvre Valter Scot of Govdilandis sone Natarol to Sir Valter Scot the Valiant Laird of Bucklevch yat vas slane crevlie be ye Kerris in Edinbrugh within nicht being vnapcompaniy be His freindis or Servandis onlie except tva of his Dipenderis attending on him not respecting nor suspecting thair Intentions. This happinit in September the 53 zeir of his age y^e zeir of God 1552 ‡

This formensornit Valter Scot departit this life at Govdilandis in November y^e zeir of God 1596 and vas of age att his deth 64. §

This gentlemen, it seems, had been a person of good parts and great bravery, for he got his lands

* The northern aisle of the present old church.

† "The tower of Goldilands was anciently possessed, like all the small estates round Hawick, by a laird of the clan of Scott."—Sir W. Scott's *Border Antiquities of England and Scotland*.

‡ See Sir Walter Scott's "Border Antiquities," Appendix, No. 2. This Sir Valter Scott was husband of Janet Betoun, the Lady Bucleuch, of the "Lay of the Last Minstrel,"—a remarkable woman, who, after her husband's death, and during the minority of his heir, headed the clan in their rough expeditions.—*Quarterly Review*, June 1851, p. 52.

§ On an examination of the family vault in 1851, by Mr Walter Scott of Wauchope, the descendant of this Scott of Goldilands, and also male representative of the Scotts of Crumheugh, the inscriptions were found to be in much the same condition as described by Mr Somerville. Mr Thomas Macmillan Scott, now of Wauchope,

from his father when very young, in order to keep a watch at his house of Goldilands, and a tower built

in communicating this circumstance, and making some slight corrections of Mr Somerville's transcription, adds, "The stone upon which is this latter inscription remains exactly in the position assigned to it by Mr Somerville. The other is in the wall, but has been removed to within some six feet of the main body of the church. All the other inscriptions which I send you are built into the wall. I understand that when the church was renewed in 1763 my great-grandfather had all these stones cared for—but at that time, no doubt, the displacement of the stone alluded to above took place.

"This 'Valter Scot' appears, 18th November 1574, as witness to the testament of Sir Walter Scott of Branxholm and Buccleuch. He, it is most likely, was 'The Laird's Wat,' of the Raid of Reidswyre, 7th July 1575. On 13th July 1592 he appears to have received, in conjunction with Mr Gideon Murray (Elibank), the royal commission to destroy the fortalices of Harden and Dryhope. See 'Pitcairn's Criminal Trials,' vol. i., p. 276.

"The release of Kinmont, at which a Walter Scott of Goudilands was present, took place on the 11th April 1596, while the above Walter died 20th November of the same year. I am therefore inclined to think that his son, who bore the same name, must have been the Walter Scott present on that occasion, and who afterwards, on 29th March 1612, signs a bond between the king and several of his subjects. See Introduction to 'Border Minstrelsy,' p. 83.

"The other inscriptions are simply—

'Here lies
Charles Scot
of Goudilands
who died in
October 22. 98
and of age
34'

'Heir lies Walter
Scot of Crumhaugh
who deceased
20 day of December
1700 & of age
68'

'Here lies a virtuous and
Pious woman Christian
Bennet spouse to Walter
Scot second son to Walter
Scot of Crumhaugh who
dyed November 4, 1708 and
of her age 34.'

"Christian Bennet was my great-great-grandmother. She was daughter to Robert Bennet of Chesters, who was cousin-german to Sir William Bennet of Marlefield, the friend of the poet Thomson," (and of Allan Ramsay). The male representation of both the Scotts of Goldilands and Crumhaugh is in Thomas Macmillan Scott of Wauchope; the female, in James Erskine of Shielfield.

for that purpose (which was called the Watchtower of Branxholm),* in order to spy and give a shake (*check*) to the enemies of Buccleuch, or of his country, and to warn the laird of his danger (here mind Reid Sywire †).

This family of Goldilands continued to be a considerable one, some of 'em being knighted till the year —— when Walter Scott of Goldilands dyed without issue; then his paternal estate returned to the family of Buccleuch; but the family had a pretty good acquired estate, which Walter, last Laird of Goldilands, disposed to one Walter Scott,‡ a kinsman of the family, and Charles Scott, the great-grandson of the last-named Walter, possesses it at this day, and takes the title of Crummoch. But Henry Scott, son of James and Ann, Duke and Duchess of Monmouth and Buccleuch, was, on the 29th March 1706, created Baron of Goldilands, Viscount of Hermitage, and Earl of Deloreine. Hermitage is in Lyddesdale, and Deloreine in the Forrest.

[The preceding narrative suggests a few remarks. It would appear that the county had then been imperfectly surveyed, the measurements given being considerably under the real dimensions, even after allowance is made for the additional length of the Scots over the imperial mile. It is probable that, although there had been a vague survey or sketch of a much earlier date, for which, see *Pont's Atlas*, the precise extent of the county was not generally known, prior to the publication, in 1770, of Stobie's excellent map, on a scale of one inch to the mile.

The great number of hamlets in the landward part

* Dr Elliot has pointed out that the engraving in Grose's "Antiquities" shows two towers, and that the site of the one now destroyed, close by the other, is quite visible.

† In 1575, where he was no doubt one of the combatants.

‡ Disposition, dated 1671, to Walter Scot of Crumhaugh, his nephew.

of the parish shows that the rural population bore a much larger proportion to the urban (1 to 2) than it now does. These may be conjectured to have been the lingering monuments of a former condition of society, the abodes of the feudal militia, so necessary to the state and safety of a chieftain, especially on the borders, who, to use old Satchell's phrase, were ever ready at call. In later and more peaceful times there must have been a want of employment amongst the hills for so many persons ; and this circumstance would no doubt have its weight in favour of some change with Henry Duke of Buccleuch, the fortunate pupil of Adam Smith, who, on succeeding to the family estates about a century ago, commenced those improvements which seem to have occupied his attention during life. The reduction of the number of hamlets was apparently part of his policy, since few of them now remain ; but in this painful process, humanity and judgment are conspicuous, as he then laid a foundation for the future employment of the people, by dividing commons, introducing improvements in agriculture, inducing skilful agriculturists from the south to settle on his lands, constructing roads and bridges, encouraging the growth of towns, and fostering the infant manufactures of Hawick and other places.*

* To whatever objections the feudal system might be otherwise liable, it is impossible not to admire that feature which exhibits the lord of the manor in the light of a protector, thus watching over the interests and supplying the wants of his vassals. There is abundance of evidence to show such to have been the policy of the lords of Hawick for many generations, and that the benefits resulting from it were mutual cannot be doubted. But these paternal assiduities seem to have terminated with the life of that excellent nobleman Henry Duke of Buccleuch, since which, whatever Hawick has achieved is due exclusively to her self-dependence.

It is believed that all the numerous leases to be granted to the Duke's Teviotdale tenantry in 1858 will be of the class termed *improving*. This is very gratifying ; yet no general arrangement will be complete which does not provide for feuing suitable portions of ground in the neighbourhood of Hawick, the baronial town, so as to accommodate its inhabitants and trade.

The number of souls is greater than might have been supposed, and it thence appears that the increase has not been very rapid during the 120 years which have since elapsed. Unfortunately the number of deaths is not given, since, by comparing these with the births, a conclusion might have been drawn valuable for contrast with our own times. It has been generally understood, however, that the duration of life ranged much lower than now. Indeed, there are persons still living who remember the privations to which the people were subjected during the winter months, through want of employment and poverty, and this continued until about the commencement of the present century.

Dissent in religious matters had then apparently obtained a footing; and it speaks favourably for its adherents, or, it may be, for his own tolerant disposition, that Mr Somerville has no unkind word to say regarding them.* They had, however, no regular place of worship until thirty years later.

As no allusion is made to the woollen trade, it may be supposed to have had no existence at that period.

It is impossible not to regret the absence of more minute details, by one so well qualified to record them, regarding the nature of the employment of the inhabitants, the provision made for the indigent, the state of education, the description and extent of crime, the diseases of most frequent occurrence, and the general condition of the people, with a sketch of their manners and customs. Still we must prize what the reverend gentleman has bequeathed to us, since without it we would apparently have remained unacquainted with various most interesting particulars relating to the locality.

* They were of the sect denominated *Antiburghers*. An individual, lately deceased, who was present at one of their weddings, stated that the bridal party danced back to back. This would be about 1760.

XII. *Abstract of the Parliamentary Census taken on 31st March 1851.*

	Males.	Females.	Total.	Hous- holders.	Inhabited Houses.	Uninhab- ited Houses.	Houses Building.
Town of Hawick, ...	3254	3371	6625	1334	449	...	6
Suburbs of Hawick, ...	365	409	764	...	...	...	...
Wilton Village & Suburbs, exclusive of Langlands Dean, ...	715	764	1479	...	...	...	...
Totals, ...	4324	4544	8868	...	...	...	...

Where Born.	Scotland	EngLanD	EngLanD upon-Tweed	IrelanD	Isle of Man.	East Indies.	West Indies.	North America.	South America.	Scily.	Germany.	Unknown.
Town of Hawick, ...	5931	12	303	359	1	1	2	4	2	...	1	9
Suburbs of Hawick, ...	722	...	30	11	...	...	...	...	...	...	...	...
Wilton and Suburbs, exclusive of Langlands Dean, ...	1377	...	49	49	...	...	...	...	...	1	...	3
Totals, ...	8030	12	382	419	1	1	2	4	2	1	1	12

The present population is now (1857) supposed to exceed 10,000 within the Police bounds, that is 1000 yards from the Cross.

Abstract of the Parliamentary Census taken on 28th June 1821.

*XIII. Description of Hawick Flood, by John Gladstains, Conjunct Town-Clerk of Hawick, an eye-witness.**

On Wednesday last (5 August 1767), about two o'clock afternoon, we had a pretty heavy shower of rain, which continued about ane hour, with lightning and terrible claps of thunder. Just about four the water of Slitrig begun to swell, and increased prodigiously fast, by its inexpressible rapidity tore up great trees, which drove every thing before it, taking in its course two houses, below Alex. Bunzies' on the east side, and Mr Inglis's on the west, carrying over the Tower garden-walls, trees, packs of wool, couples, joists, and household furniture, and laid in the Tower Close. The arches of the bridge not being capacious enough to admit the extraordinary flood, it made its way eastward, and carried off the three houses belonging to George Deans and Son; still extending its course eastward, carried off the corn-mill, and the undermost house of the Miln Port, which was built by two of the name of Liddal, in the parish of Wilton, and possesst by Joseph Scott, wright, the miller's son, and Cross Key's new-built stables. By this time, it also opened its way betwixt the lridge and John Kaidzie's house in so instantaneous a manner, that Gedion Greive, a son of Walter Greive, and a son of Thomas Waugh's, were swept off when attempting to pass from the end of the bridge, where they were standing, with other twelve persons, in the sight of a number of spectators; the others would have shared the same fate in a few moments, unless the bystanders had not quickly procured a leather, which was taken in at the west gavel of John

* From the original draft among the burgh archives.

Kaidzie's house, which before was abandoned by the family, and sett out at the window opposite to the bridge, by which they ascended into the window, and luckily escaped. The house of my father was filled so with water, and no way left to escape but by breaking the roof and taking out. It stripped the street to the very rocks betwixt John Kaidzie's house and Joseph Eckron's whole onstead of houses, with all the goods in the shop, and the whole furniture belonging to himself and tenants; six persons who were endeavouring to save part of Eckron's effects, four of whom were hurled down the current into the sandbed, and taken out by the assistance of generous people, who risked their lives in the inter-prize. John Oliver sen^r, and Thomas Waugh, shoemaker, got up to the top of the kiln, but finding themselves in danger, called for ropes, which were thrown them, by which means they were saved. Immediately below Graham's close and Cuddyfoot's,* it made a gulf about 25 feet square, and 10 feet deep. The flood ascended on the east up the Back Damgate, as far as Doctor Wilson's closs-head, filling all the closses, shops, and under-houses, on both sides the street, as far as the cross, and threatened universal destruction to the place; many persons flying from the ground-floor upwards, and from thence were conveyed out of windows, and received into the arms of some stout men, who ventured their lives for the preservation of their neighbours; which ought never to be forgot. Such a scene of horror cannot be express. To have heard the lamentation and crys of the whole inhabitants, and nothing to be seen but paleness and terror in the countenance of every soul. The Tower is in the outmost danger, and some part of it

* James Scott, called Cuddyfoot (from his place of residence being at the lower end of Howgate Street), repeatedly elected bailie, the last time in 1765. He is traditionally stated to have been the only magistrate known to have died while in office.

brock down and undermined. George Haliburton's house much damaged, and the aqueduct to the Mill quite carried (away). The old Milnport Tower* is undermined and the walls rent, and many other houses on both sides of the water much damaged. The parapets of the bridge, from the top eastward, and the entry on both sides totally carried off to the bare rocks ; in short, the devastation is so great, that if you were to take a view from one of the Tower windows, unless by the kirk and new bridge,† you would not imagine it to be Hawick. Mr Laurie, who, you know, has the most tender feelings and sympathy for the distresses of mankind upon every occasion, was a beholder of the tragical fall of these unfortunate men ; and so soon as the others were out of danger, convocated the numerous crowd of spectators, who willingly came upon so solemn occasion, and joined Mr Laurie in a most fervent, suitable, and pathetick prayer, and which ought not to be forgotten. The water was considerably assuaged when the people were dismissed, although there was not the least appearance when they went to the church. Mr Laurie has all along signally distinguished himself in behoof of fifteen familys, who have nothing saved but what was upon their backs, and yesterday being Sabbath-day made ane extraordinary day suited and calculate for so awfull an occasion. He preached from Luke chap. xiii. ver. 2, 3, 4, and 5, and was so affected in his discourse, that he teared in almost every sentence, and sometimes was obliged to stop

* This was probably the Lieutenant's Tower, which, in a title-deed, dated 1656, is called the *Peil*, and there are grounds for conjecturing that a subterraneous communication existed between it and the principal fortress. The tradition, however, regarding such an intercommunication between Branxholm and Goldielands is scarcely less mythical than the existence of the wonder-working witches Tranty-foot and Speed-o'-foot, the occupants of Goldieland's Peel.

† Teviot Bridge, built about 1743, is evidently meant.

till he recovered his spirits, and strongly inculcate the duty and necessity of repentance. The loss is computed about L.4000;* James Eckrons is allowed to be L.1000. The height of the water was ten feet perpendicular—more than ever known; and although Teviot was not in the least swelled, it was a foot above the pillars of Teviot Bridge owing to the stagnation, which advanced as far as the Cauld Back, where big trees were carried up by the water.

XIV. *Notes relating to the Ministers of Hawick, Wilton, &c.†*

1574. Hawick, Kirkton, Wiltown, Hassinden, Caveris.—The above churches were united at this period. Mr William Auchmontie, minister; his stipend L.154, 6s. 8d., with the kirkland, &c., of Hawick—also in 1576, 1578, 1580. The readers to supply these different churches were—At Hawick, Henry Scott, 1574, 76, 78, 79, vacant 1580. His stipend L.10, 8s. 10d., &c. Kirkton, Mr George Douglas, 1574; in 1576 blank, 1580 blank. Wiltown, John Langlands, 1574, 1576. Hassinden, John Scott, 1574, Thomasnd Newby, 1576, 1580. Caveris, William Slewane, 1574; Patrick Dunbar, 1576.

* There were collections in some of the neighbouring parish churches for the benefit of the sufferers.

The flood of 29th July 1846 is believed to have been nearly as great as that in 1767, but there was much less injury done within the town. Throughout the entire border, however, the loss by the outbreaks of the mountain streams generally was great beyond all precedent.

† Chiefly communicated by David Laing, Esq., Keeper of the Signet Library, Edinburgh.

Mr John Sandilandis, parson of Hawick, died in Edinburgh, 21st May 1583. One of the witnesses to his testament is Mr Robert Craig, brother-german to Mr Thomas Craig, advocate in Edinburgh. Will confirmed 14th February 1583-84. In 1596, Hawick is not mentioned—Wiltoun then united to Jedburgh, Mr John Abernethy, minister. In 1599, Hawick *per se* (that is singly), and the charge vacant.

In 1601 Mr Thomas Abernethy was minister of Hawick.

In 1599 and 1601 Wiltoun and Cavers were united; Mr William Clerk, minister. In 1615 he continued minister of Wiltoun (*N.B.*—In 1640, William Clarke, his son, was admitted a burgess of Hawick, and the father is not stated to be then dead), and Mr Walter M'Gill of Cavers. Mr M'Gill is named in a Scottish statute, dated 1622, as then in right of the vicarage of the parish kirk of Cavers, and he appears, from an entry in the Hawick burgh records, to have continued to be minister of Cavers in 1644.

In 1608 Mr Thomas Abernethy was still minister of Hawick. At this time Eckford was vacant, and Mr Abernethy appears to have been soon afterwards translated to that charge. He was minister of Eckford in 1615, 1618, and 1622. He was the brother of Mr John Abernethy, minister of Jedburgh, and bishop of Caithness, through whose influence, although summoned before the High Commissioner in 1622, he was overlooked.—See *Calderwood's History, Wodrow Society's edition*, vol. vi., p. 709; vol. vii., pp. 532, 549.

In 1612 died the Rev. William Fowler, parson of Hawick. He went to London in the capacity of Secretary to Queen Anne, at the Union of the crowns. In this way it is probable that he might enjoy the

society of his great cotemporary Shakspeare. His MS., preserved in the University of Edinburgh, may thus merit the notice of the Shakspeare Society.

In 1615 Mr Adam Scott was minister at Hawick, having been translated from Mynto, where he was minister in 1608.

In 1624 Robert Brounlie was minister of Kirk-toun.

In 1668 William Mushet was minister of Hassen-dean, *Mor. Dict.*, 5135.

In 1689 Mr John Langlands, the Episcopal minister of Hawick, was deprived for not reading the proclamation and prayers for King William. His successor was Mr Alexander Orrock.—See *Books of Assignations of Ministers' Stipends*.

Mr George Hepburn, noticed in *Annals of Hawick*, p. 397, was parson and minister of Haich (or Hough, afterwards Prestonhough), or Prestonkirk, and died 21st October 1585. His testament was confirmed in the commissariot of Edinburgh in 1592. The resemblance between the old names of Prestonkirk and Hawick has apparently led to the error of assigning him to the latter parish.

For a similar reason, a difficulty occurs in the case of Gawyn Douglas, since, notwithstanding the confident statements of various eminent writers, the oldest and best authority, Abbot Mylne, in his *Lives of the Bishops of Dunkeld*,* designates him as provost of St Giles, “et rector de Hawch,” which is certainly susceptible of more than one interpretation, although the dash over the name indicating the omission of one or more letters, rather favours the claim of Hawick; while Mr Porteous, the respected minister of Prestonkirk, writes that “his parish never bore the name of Hawch. It was originally called Hough.”

* See his MS. in the Advocates' Library.

Another difficulty exists in the circumstance, that Hawick is not styled a rectory, but a vicarage.—See *The Burgh Charters*, and Mr Somerville's *Statistical Account*.

On 2d February 1720, the laird of Sharplaw (probably a Douglas, and relative of Douglas, sheriff of Roxburghshire), thus addressed the Lord Advocate from Jedburgh:—

“ **MY LORD**,—I thought it my duty in Cavers's absence, to acknowledge the receipt of your Lo^ps letter of the _____. And to let you know that there are very few nonjurant min^rs in this shire of Roxburgh, and not any of the Episcopal persuasion.

“ I most humbly presume to begg to know from your Lo^p the particular manner how to proceed against them. And I hope you'll forgive me for taking some notice of the present state of this country. Your Lo_p may therefore please know, that we have some, tho' few Cameronians amongst us. But a great many persons of wild and giddy principles, who, for a long time, did not only desert the churches of all the ministers who had taken the oaths, but likewise went the length of lybelling, aspersing, and complaining of all the min^rs who had taken the oaths, as backsliders and breakers of the Covenant, &c. This breach was lately happily made up by the prudent management of some of the ministers, who had several meetings with some of the leaders of those wild people. Mr Bell, min^r of Cavers, a gentleman of great piety, prudence, and learning (who was among the first that took the oaths), had a great hand in healing this breach. And now, most of those wild people are gone back again to their churches, and hear the jurors and nonjurors, without distinction. And I'm afraid if any hardship be used against the few nonjurors, it may occasion disturbance, and have some bad effects. But this I most humbly

submitte to your Lo^{ps} better judgment, and begg your answer. I am, &c."*

The inscription on Mr Crauford's monument in Wilton churchyard, is in these words:—

" M. S.

" GULIELMI CRAUFORD, A.M.,

" Theologus eruditione, pietate judicio, gravis, pastor, prudentia. Vigilantia et pacifico zelo eximus; vir omni laudis genere dignissimus, cum per 24 præterpropter annos huic Ecclesiae, requiebat in Christo quem unicum doctrina et castis moribus vivens sperabat heu quam desideratus. Obiit die Maii 15, 1737 Ætatis 55.

" Hoo tumulo etiam dormit spe beatæ resurrectionis uxor ejus Helena Riddell quæ obiit 14 die Februario 1751 Ætatis 68.

" Hic quoque sepultus filius ejus David qui obiit die Martis 1720 Ætatis 3."

That is —

Sacred to the memory of William Crauford, M.A., distinguished as a divine by erudition, piety, and intelligence, and of influence as a pastor, by his prudence, vigilance, and zeal for peace. A man truly most deserving of every kind of praise. After about twenty-four years' ministration in this church he rested in Christ, in whom alone while living he hoped by his teaching and purity of life. Alas, how lamented! He died May 15, 1737, in the fifty-fifth year of his age.†

In this sepulture also sleepeth, in the hope of a blessed resurrection, his wife Helen Riddell, who died 14th Feb. 1751, in the sixty-eighth year of her age.

Here also is interred his son David, who died March 1720, in the third year of his age.

XV. *Memorials of the Rev. Robert Riccalton, Minister of Hopekirk. By Thomas Somerville, D.D., Minister of Jedburgh.‡*

" The most distinguished member of the Presby-

* Communicated by James Douglas, Esq., younger of Cavers.

† In "Anderson's Popular Scottish Biography," it is said he was born in 1676 and died in 1742, but the above statement is more likely to be accurate. (See *Annals of Hawick*, p. 349.)

‡ This memoir, drawn up in 1824, has been communicated by the representatives of Mr Robert Armstrong, Hawick, Mr Riccalton's grandson.

tery of Jedburgh when I became a member of it, April 24, 1767, was Mr Robert Riccalton, minister of Hopekirk, with whom I had been intimately acquainted from my earliest days, and who survived two years after my ordination at Minto. A large portion of original genius, rather than of cultivated understanding, together with facetious manners and an ample store of observation and anecdote, and a predilection for the society of young men who were in the course of literary study, rendered his company pleasant and interesting, and gave him a masterly sway in forming the sentiments of the disciples attached to him. He was himself a votary and admirer of Hutchinson, and, corresponding with the philosophy of his master, his theological opinions were wild and mystical. He reprobated the works of Samuel Clarke and Bishop Butler, and all the authors who advocated the cause of natural religion. A benevolent heart, a rich imagination, a taste for what was beautiful and sublime in the works of nature, expressed with simplicity and enthusiasm, compensated for the obliquity of his systematic aberrations, and procured the affection and esteem of all who were intimately connected with him. He modestly acknowledged to me that he had considerable influence in discovering and prompting the poetical talents of Thomson, who, in his youthful days, had been his frequent visitor; Thomson's father being minister of the neighbouring parish of Southdean. He also mentioned that a poem of his own composition, the subject of which was the description of a storm, or the effects of an extraordinary fall of snow on the hill of Ruberslaw, suggested to Thomson the idea of expatiating on the same theme, and produced the divine poem of his 'Winter,' the first and best of his compositions. He repeated to me several passages of his own poem, which I thought beauti-

ful, and I have often since regretted that I had not obtained a copy of it; but I was at that time less anxious about this, as he told me that it would be found in a periodical work which was published at Edinburgh about the beginning of the century—I think he said in the year 1718 or 1719. I have searched many volumes of the pamphlets in the Advocates' Library, but have not been so fortunate as to discover it. Mr Riccalton was an admirer of David Hume, and said if he would declare himself a Christian he would advocate him in any of the Church Courts. I had almost forgot to mention that Mr Riccalton was a very eloquent speaker in the General Assembly."

The following additional particulars have been supplied by Mr Riccalton's grand-daughter, Miss Betty Armstrong, now above 80 years of age:—“Mr Riccalton's earlier years were spent at Venchen near Yetholm, and he is supposed to have been born at Earlsheugh near Jedburgh, when his mother was 50 years of age. He was married to Anne Scott, daughter of Henry Scott, farmer at Palacehill, in the parish of Ancrum; the young couple being each 22 years of age on their marriage-day. He was the assistant minister of Bowden when he received the call from Hopekirk, and had also a farm there at that time. He died in 1769, aged 78.”

A lengthened correspondence between Mr Riccalton and a Dr Walker, physician, an individual of congenial taste, is stated to be in possession of Mr Brown, surgeon, Edinburgh, the doctor's grandson.

Since these remarks were written, there has appeared in the *Gentleman's Magazine* for October 1853, “Memorials of the Author of the Seasons, and Mr Riccaltoun of Hopekirk,” in which the reverend

gentleman is designated the Scotch Edwards, and otherwise characterized in flattering terms. It is there stated that his poem, "A Winter's Day," was reprinted in the *Gentleman's Magazine* for May 1740, and again with annotations in the same periodical for April 1853.

XVI. *Memorials of Samuel Charters, D.D., Minister of the Parish of Wilton, Roxburghshire.*

The subjoined biographical notice of this distinguished individual appeared in the *Kelso Mail* newspaper immediately after his decease:—

"Died at the manse of Wilton, in the vicinity of Hawick, on Saturday the 18th curt. (June 1825), the Rev. Samuel Charters, in or about the 84th year of his age, and 57th of his ministry. The decease of this learned and venerable man, though, by the kindness of Providence, deferred long beyond the ordinary limit of frail mortality, has excited a deep sensation in the western part of this county, and in the minds of many at a distance, by whom his distinguished worth and talents were duly appreciated: and we regard it a sacred duty, not only to the dead but to the living, to record a few of the leading circumstances of his life, and to pay our passing tribute of respect to his character. The father and grandfather of Dr Charters were successively ministers of Inverkeithing, in the Presbytery of Dunfermline. Dr Charters, after going through his preparatory studies at the College of Glasgow, and obtaining a license to preach the gospel, passed a short time on the Continent; and was, after his

return, ordained minister of Kincardine in the presbytery of Dunblane, in the year 1768. During his incumbency there, and ever afterwards, he enjoyed the friendship of the late eminent judge and scholar, Lord Kames, whose country-seat, Blair-Drummond, was in the parish. He had thus a favourable opportunity of extending his literary acquaintance, and his knowledge of the world. In the year 1772 he was translated to the church and parish of Wilton. In that retired and rural residence, on the banks of the Teviot, far from the strife and bustle of the world, he passed the remainder of his useful and unambitious life, attracting to his hospitable dwelling, not only many of his early friends, who delighted to renew their intercourse with him from time to time, but enlightened strangers, who were desirous of cultivating his acquaintance.

“ Among his parishioners he was beloved and revered. In public and in private he was their faithful pastor, their constant counsellor, and their steady friend. He established for their benefit (though he did not confine its use exclusively to them) a parish library, purchased at his own expense, and selected by his own care. With a view of rendering it more useful, he took the trouble of preparing and publishing a catalogue *raisonné* of its contents; so that the reader could see at once his own opinion or that of others, of the merits of most of the works of which it consisted. He continued to enlarge the collection while his strength permitted, and it has long been a source of innocent amusement and mental improvement to many, and especially to the young. We understand that he appointed this library to be sold after his decease, and the price to be expended in the purchase of Bibles for distribution among the poorer classes of his flock.

“ His style of composition and delivery were pecu-

liarly his own. His sentences were generally short, striking, and comprehensive, and his transitions from one part of his subject to another often abrupt. Hence it required considerable reflection to perceive the full meaning, and it was sometimes difficult to trace the connection. His voice, which in the pulpit was low, solemn, and monotonous, was yet well suited to the strain of his discourses; and though unaccompanied with action, frequently evinced a depth of feeling and elevation of sentiment which riveted the attention of his audience. His Scriptural allusions were peculiarly happy; his images from external nature shed instant light and warmth over the subjects which they were designed to illustrate; and his appeals to the conscience were at once tender and powerful. In the pathetic he excelled, and by a single expression would sometimes penetrate the heart and draw tears from the eyes. His venerable aspect and apostolic gravity of manner in his latter years, gave to his addresses, particularly at the Table of Communion, an impressiveness which cannot be described, but which will never be effaced from the recollection of his people.

“Dr Charters always desired to render his studies subservient to the purposes of private edification and public usefulness: and we know not that we could name any sermons in the English language which are more directly practical than some of his later discourses. The two volumes of Sermons which he published, and which have passed through several editions, furnish proofs of the truth of this remark, and have established his reputation on a basis at once solid and lasting.

“Dr Charters enjoyed the use of his faculties to the close of his mortal existence, and kept them in constant exercise till about a year ago by extensive reading, meditation, the society of his friends, and the ex-

ercises of Christian benevolence. In mixed or numerous company he was remarkably silent and reserved even to bashfulness; but in private, he was frank, cheerful, and communicative. He disliked and avoided controversy, and was remarkably forbearing and indulgent to those from whom he differed most widely in opinion. In this we think consists true liberality of sentiment, and not, as is too often supposed, in contempt of the opinions and prejudices of those with whom we live. The study of the Scriptures formed his chief exercise and delight, and with their language and contents his mind was intimately familiar. The devotional expressions and Scriptural allusions which breathe through his writings, appear to come warm from the heart. They seemed to have formed the element in which he lived, and we know not any writer of the present age who excels, or almost we had said equals him in this respect. But we have already exceeded our limits, and must bring this hasty and imperfect sketch of Dr Charters to a close. While we sympathise with his flock on the loss of their venerable pastor, we consider them singularly favoured in having so long enjoyed the benefit of his able and affectionate services. It is consoling to them to know that a volume containing the greater part of his published sermons was printed several years ago, under his own eye, and reserved for their use: and it is now bequeathed to them as a memorial of their pastor, who 'loved them unto the end.'"

The following interesting communication from Mrs Semple will probably be considered a fitting pendant to the preceding sketch:—

" *Islington, 29th November 1853.*

" Your favour, with its inclosure, reached me this morning. I have no clue as to the author of the

sketch of Dr Charters in the *Kelso Mail*. I can have no objection to point out to you the pieces he contributed to my little *Miscellany* :* that on 'Disappointed Love' is his, with a small addition of my own ; likewise the 'Thoughts ;' the 'Extracts from an Old Manuscript on Preaching ;' 'On Chastity ;' 'On Old Age ;' and the four last articles in the list. I had little personal acquaintance with my uncle, having made but two short visits to him, in company with my mother ; but I gathered many particulars concerning him, on the authenticity of which you may rely. I am not aware that he published any other works than his *Essay on Bashfulness*, and some single sermons, which I believe were afterwards comprised in the two volumes which he afterwards gave to the public.

"The church of Inverkeithing, with its records, being accidentally burnt, the date of Dr Charters's birth could not be correctly ascertained, but from collateral evidence it may be fixed about 1742. At the infantine age of four he was left an orphan by the death of both parents, and, with two elder sisters, was taken charge of by his maternal grandmother, the widow of a minister of the name of Wardlaw, who had a little landed estate called Luscar, in her own right, which, as the male heir, Dr Charters after her death inherited.† I have heard my mother relate a very striking anecdote of his early life. When that unhappy rebellion took place in Scotland in 1745, 1746, when so many outrages were committed even in private houses, his grandmother was in deep affliction, from the dread that her dwelling might be attacked, insomuch, that she could not partake of her daily food. The child, who could not have been more

* The work referred to is entitled " *Miscellany*, by A. S. Hunter. Hawick, 1811."

† Lady Fairfax, mother of the distinguished author, Mrs Mary Somerville, was cousin-german to Dr Charters.

than four years old, seeing her sit quite disconsolate, went up to her and repeated the first verse of the twentieth Psalm—

‘ Jehovah hear thee in the day
When trouble he doth send ;
And let the name of Jacob’s God
Thee from all ill defend.’

He then added, and he could hardly speak plainly, ‘ Tak your meat grannie, and dinna be feared.’ The old lady was astonished, consoled, and comforted, was no more sad, and her peaceful abode was unmolested.

“ Dr Charters entered very young the University of Glasgow. About this time his grandmother died, and he inherited her property. He passed through his trials honourably, and was licensed to preach. When he obtained a church,* Lord Kames was his parishioner, and he was frequently a resident visitor to that gentleman, who held him in esteem. I am not aware that he ever wrote any part of the *Elements of Criticism*; there is nothing of his style (which was peculiar) in that work; but in Lord Kames’ work on Education the whole of the section on religious education was written by Dr Charters.†

“ As was said of Dr Johnson, in reference to his *Lives of the Poets*, that he had unconsciously recorded his own; so, in his *Essay on Bashfulness*, Dr Charters has told his own history as a bashful man, in that part where he alludes so pathetically to orphans. There is no question that he relates what he himself felt as an orphan, and when he mentions, that in the visions of the night orphans are intro-

* This was Kincardine. It is traditionally stated that his induction there was so violently opposed that military protection became necessary, but the uncommon excellence of the man soon surmounted this hostile feeling, insomuch that, when he preached his farewell sermon, not one of the congregation could refrain from shedding tears.—ED.

† The Remains of Dr Charters, embracing all these pieces, would surely be an acceptable gift to the public.

duced into communion with their deceased parents, doubtless such intercourse was held in his own slumbers. The work on Bashfulness is one of high interest, and ought to be better known. In an article on the *Life and Writings of Dr Chalmers*, with whom Dr Charters was once on very intimate terms, which article appeared in the *Westminster Review*, if I am not mistaken, a short time since, Dr Charters is called the Scottish Epictetus, as if he had been merely a philosophical heathen. I hope, in your projected publication, you will indignantly repel this base outrage on his memory ; he was truly a Christian philosopher ; let any one divested of prejudice, and indued with common sense, read his Sermons attentively from beginning to end, and pronounce him no orthodox Christian if he can.

“ Many of his hearers occupied the humble station of shepherds ; he gave them no encouragement to exercise their minds on knotty points of doctrine ; he appealed chiefly to their hearts, and he had a reverential, humble, affectionate people ; he taught them, both by precept and example, the whole duty of man, to do justly, to love mercy, and walk humbly with God ; and his own words were to ‘ leave secret things to God.’ There are, among the lower orders in Scotland, too many of the Andrew Fairservice kind, who, addling their brains with abstruse points of doctrine, pronounce practical moral discourses ‘ Clauts o’ cauld parritch ;’ and, somewhat amusing to relate, the Doctor had for some years in his service an Andrew of his own, a stanch Seceder, who, when he conveyed him to preach for another minister residing at a distance, would betake himself to sleep on the floor of the carriage,

‘ With legs depending at the open door,’
rather than hear ‘ clauts o’ cauld parritch’ from his

master; and I remember a vulgar, ignorant old woman telling me, with great solemnity of visage, that she had 'fund out that Dr Charters was *no soond*.' He was certainly no sectary;* but he was a truly good and great man. He was possessed of unbounded liberality, and wished civil and religious liberty to all mankind. To borrow a phrase from a modern writer, 'he never showed intolerance but to intolerance.' When the emancipation of the Catholics was so warmly debated some years since, a young gentleman inquired what he thought of the Catholic question; his reply was, 'Is it possible that you should ask me such a question.'

"On disappointed love Dr Charters speaks feelingly. He met with a disappointment in early life; he had long cherished a deep and secret attachment to a young lady, without the smallest surmise on her part of his attachment, and when he summoned courage to declare himself, he learned that she had already promised her hand to another. There is no doubt that this cast a shade on his subsequent life, but several years afterwards he married one of his parishioners, a very amiable lady, Miss Margaret Scott,† and possessed of a large property. Their joint benevolence was as boundless as their means were ample, and many had reason to bless their name. I should willingly have furnished you with some extracts from his letters to several members of my family and myself, but he left strict orders that, at his death, all his MSS. should be destroyed, which were complied with.

"Dr Charters superintended the printing of his

* "We behold abounding sects as so many pledges of the right of private judgment—a sacred right, which it is the glory of this nation and of this age to respect." (*Sermons on Intercessions*, published 1779.)—ED.

† Sister to the Laird of Burnhead or Burngrove, whose estate she afterwards inherited.

nephew Dr Hardie's sermons. In a letter to me he thus breaks off—‘ I am stopped by the mournful tidings that Dr Hardie died last night—to me as the loss of any only son.’ To the last days of his life he took the warmest interest in the four orphans left by that excellent young man. His wife and his elder sister, who died in his house, lie side by side in the most remote corner of the churchyard wall; and my uncle never passed that way, as though he was too deeply affected to view the spot. Those who called him a Stoic knew nothing of the deep well of tender feelings contained in his heart.

“ At the time I visited Scotland he had not established his parish library, but he was wont to lend his humbler parishioners books from his own, which was very extensive; and it was one of his pleasures to judge of the tastes and dispositions of his borrowers by the works of which they made choice. I have seen several of them waiting outside his house till their turn came to be called in.* “ *The Village Schoolmaster's Grave*” was suggested to me by a narrative furnished by Miss Hardie, when walking with her in the churchyard at Wilton. She told me that the headstone placed over the parish schoolmaster there was inscribed by Dr Charters. I hope that in the lapse of years this has not crumbled to decay, as it would now be a memorial of the hand that inscribed it, and of the youthful pair who sleep beneath.

“ Dr Charters' style possesses that brevity and simplicity which belong to elegance and sublimity. A splendid proof of this is furnished in the commence-

* The writer adds, that he passed nearly the whole of each day in his library, and would sometimes bring a log of wood on his shoulder for the parlour fire, saying, “ Here comes Caliban.” This reminds us that he idolized Shakspeare; and when what was termed a purified edition of the great dramatist was announced, it encountered his severe reprehension.—ED.

ment of one of his sermons. What can be more sublime than the short sentence literally translated from the Hebrew, 'Light be ; and light was.' They sadly mistake true eloquence who seek to find it in a multitude of high-sounding flowery words. Though habitually grave and serious, yet he enjoyed a hearty laugh as much as any one. In answer to an amusing anecdote which I related to him in a letter, he says, ' Your anecdote afforded us a hearty laugh, a rare enjoyment in our seclusion.' On my visit to him he would have me sing, 'The Vicar and Moses,' and Burns' song of 'Duncan Gray' was a favourite with him.* He took pleasure in the harmless amusements of the young. At a social meeting in the house of Dr Somerville in the evening, the lasses present sung each their song to the best of their abilities ; and when they had all finished, he said to one of that gentleman's daughters, who was a very fine singer, ' Many daughters have done virtuously,) but thou excellest them all.' (Proverbs, xxxi. v. 29. He had a considerable share of dry humour. As he had many visitors attracted by the beauty of the scenery and his society, he would say that he would have a board placed before his house, with the announcement, ' No Tillysow kept here.' A nephew and niece from the south being on a visit to the manse, when the hour of supper arrived, he would say to his servant, ' James, bring in the parritch, and the soor milk, and the horn spunes ; and when his orders were obeyed, he would say, ' Noo, James, tak them a' awa, and bring ben the jam, and the ream, and the siller spunes,' as articles better adapted to their English tastes. One of his serving-men came to him in great perturba-

* Another special favourite was, " Eye, let us a' to the bridal." Like Sir Walter Scott, however, he could not himself even croon, but by way of joining in the hilarity, would recite some Doric piece, such as " Willie Wastle." —ED.

tion, saying, that he had just seen *Himsel*, 'Aye, aye, James,' said he, 'what was he like?' 'Ou, Sir, he was just like a black soot.' 'Weel, but James, hoo do ye ken that what ye saw was na just a black soot, and no *Himsel*?' but James was not to be argued out of his belief that he had seen '*Himsel*.' To a young gentleman, who was about to be married, and who asked him, if he did not think the lady of his choice eminently beautiful? he replied, 'I would advise you to keep that discovery to yourself.' He took pleasure at times in the Doric simplicity of the Scottish dialect, and the description of feeding hungry schoolboys, by 'taking the runkles oot o' their wame,' amused him highly.

"The aspect of Dr Charters had something *awsome* and austere; but this was only the rough shell which contained the pearl of great price; for his people loved as well as feared him *.

"Through the influence of Lord Kames he unhappily obtained the presentation to Wilton church. I say unhappily, because in that secluded spot, he 'found that ease and solitude he sought.' A man of his spacious intellect, deep-felt piety, and vast store of information, was eminently calculated to enlighten, adorn, and improve society. He was offered the professorship of moral philosophy in the University of Glasgow; and much to the regret of his friends, he declined it,† preferring rather to be the

* Having incurred the displeasure of one of his neighbours, the vexed heritor could find no more severe sarcasm, than that he was a 'Norlan.'

Although a person of the very finest tone of mind, he could yet practise severity when such was called for. To a fellow who assigned as a reason for absenting himself from church, that he now heard the true gospel preached elsewhere, Dr Charters replied, "I am glad to find that one of *your stamp* goes anywhere."—Ed.

† In farther evidence of his unambitious character, it may be added, that although he was, in right of his wife, entitled to a county vote, at a time when this privilege was much coveted, he never claimed enrolment as a freeholder. Not the least charming

pastor of a little country church, amid the green hills of the south of Scotland, where he quietly passed his long life, with the peaceful river Teviot gliding before his door.

“ But such men as Dr Charters should be like the sun,—not for themselves but for the world. He however was contented to hide his candle under a bushel, while it might have shed light far and wide. Had he been compelled by circumstances to the exercise of his powers he would have occupied much more than a few lines in a Cyclopædia;* but he,

‘ Born for the universe, bounding his mind,
To obscurity gave what was meant for mankind.’

In his sermons, however, he has bequeathed a rich legacy to the public, and ‘ being dead, by them he yet speaketh.’

“ Several of the above particulars were supplied by my mother, who was his favourite sister, and who, from their joint infancy, was better acquainted with his thoughts, opinions, and feelings than any one else could possibly be. What is related, therefore, is perfectly authentic.

“ I have omitted to state, that although he kept a very hospitable table, he was himself abstemious in both eating and drinking.”

Since this most interesting epistle was written,

feature in his character was his disinterestedness, his lands having been let at not more than one-third of their true worth, and, besides, those which were not glebe grounds, also on very long leases.

Although his published works contain no direct expression of his political tenets, yet these may easily be inferred, particularly from his eloquent Discourse on the persecution. Against the Test and Corporation Acts he spoke openly, and his speech in the General Assembly, advocating their repeal, it is believed. As early as 1791, was received with murmurs of applause. Against negro slavery, too, he uniformly spoke with much freedom.—ED.

* So far as is known, his Life has not appeared in any Cyclopædia. The allusion is to a proposal to that effect which had been made, but was not acceded to.—ED.

Mrs Semple has been called to her account, having died at London in December 1856, aged 78.

A. S. Hunter, was the daughter of Dr Hunter of London, well known as the author of *Sacred Biography*, *Translations of Lavater*, and of *St Pierre's Studies of Nature*, and author of several Sermons. At the early age of twelve she assisted her father in translating from the French. In 1811 she published at Hawick the interesting *Miscellany* already referred to. This was followed by *Thoughts on Education*, which may be supposed, like the former, to reflect in some degree the sentiments of her venerable uncle on the subjects treated of. Mrs Semple is represented to have been a person of great amiability, and, like Dr Charters, of a retiring disposition, who shrunk from public notice.

The Charters family seems to be now extinct in the male line; on the female side it is represented by Mrs Semple's son, a respectable physician in Torrington Square, London.

XVII. *Memorials of Dr Thomas Hardie,
Minister of Ashkirk.*

Soon after Dr Hardie's death (in 1810) the following obituary notice appeared in the *Kelso Mail* newspaper.

"In Dr Hardie learning and knowledge were blended with the most unassuming modesty, and moral excellence was tempered by a gentleness of spirit which shed over his character peculiar grace. If natural reserve gave to his manners, on a first acquaintance, the air of constraint or formality, that appearance was quickly dispelled; and delighting in the intercourse of friendship, his conversation was frank, liberal, original, and useful. His heart was

the seat of kindness and compassion; and not merely his studies, but even his relaxations, were devoted to the promotion of the welfare of his fellow-creatures. The time which he employed in supplying an important desideratum in the education of the lower classes, by preparing an admirable collection, under the title of *Extracts for Parish Schools*, affords a convincing proof that he could stoop to the humblest office when it was in his power to do good. His voice in public was somewhat feeble, but this was amply compensated by the fineness of its modulation and tones; while the choice of his subjects, the elegant perspicuity of his style, the pleasing expression of his countenance, the growing earnestness and pathetic warmth of his manner as he advanced in his address, the closeness of his reasoning, and the chastened luxuriance of his fancy, entitled him to be ranked in the first class of Scottish preachers, and in that class to hold a distinguished place. In the sequestered spot to which his professional labours as a minister of the Church of Scotland were chiefly confined, his virtues were best known and most highly appreciated. Long among his people will be the remembrance of his worth, and deep the sorrow which his early removal will excite! If the untimely loss of a character such as we have faintly delineated be dear to his family, to his friends, and to his country, the lesson which it affords is solemn and impressive. Let us bow with reverence to the will of Heaven, and learn to look beyond a world in which there is nothing perpetual but change."

See also Sermon preached at Ashkirk, on 7th Oct. 1810, in consequence of Dr Hardie's death, by his friend, the Rev. William B. Shaw of Roberton, afterwards of Langholm. Dr Hardie's Sermons have since been published. He was nephew of Dr Samuel Charters of Wilton.

XVIII. *Memorials of John Leyden, M.D., author of the "Scenes of Infancy."**

Letter, Dr Leyden to Dr Hare.†

"Madras 23d April 1811.

"MY DEAR HARE,—I am just on the eve of embarking in the *Modeste*; we go on board to-morrow morning at 7 o'clock. I take this opportunity of letting you know that I am hitherto as sound as a roach. The voyage was very tedious, exactly thirty days, and of these were just sixteen resting ourselves for further convenience. No adventures happened except my climbing up to the top of the royal on being exceedingly teased by Elliot and Stewart (this vessel was then commanded by the present admiral, George Elliot, who is probably the party re-

* As every circumstance relating to this delightful genius is worthy of preservation, it may be mentioned that Mr Andrew Leyden, youngest brother of the poet, although then a mere boy, remembers his farewell visit to his parents before leaving for India, and of his causing their mother to sing to him the old ballads of "Young Benjie," "Tamlane," and "Bonora." (See *Border Minstrelsy*.)

The above letter is given from an imperfect copy; those which follow are from the originals. They are now published by permission of Mr Andrew Leyden.

† This gentleman, with Sir S. Raffles and Sir John Malcolm, were appointed Dr Leyden's executors by a will executed on his setting out for Java.

Unfortunately no likeness of Leyden has been preserved. Before leaving London he gave several sittings to an artist, but the portrait was unfinished when he left England. While in that state his brother Robert fancied it might be altered so as to suit himself, and this execrable barbarism was actually perpetrated. The portrait, as thus altered, is understood to have come into the possession of the late Mr Richard Heber, since which all traces of it have been lost.

Leyden was, when in London, introduced to Mr Pitt, who was much pleased with the poet, and presented him with a gold watch, valued at from 60 to 80 guineas. This flattering attention was afterwards amply compensated by the poet's noble *Verses on the Death of Nelson*, incontestably the finest of the numerous poetical effusions to which the victory at Trafalgar gave rise.

ferred to, though it is possible that his brother, Mr John Elliot, M.P., may have been on board; Matthew Stewart was a son of professor Dugald Stewart), and thereby taking them in to the tune of 60 gold mohurs;* but I was the person chiefly taken in after all, for I cut my hands most barbarously in attempting to precipitate myself down by a coil rope. Being very squeamish all the way, I did little but read Dutch and Malay. Our water was most abominable, being, I believe, the very quintessence of all the corpses of the Ganges. When we reached Madras we found the expedition far from being ready."

*Letter, Mr Scott (afterwards Sir Walter Scott)
to Mr Robert Leyden.*

" *Ashiestiel, 22d Dec. (1811.)*

" SIR,—I am much affected by the melancholy news of your brother's death, which I learned from Mr Gilbert Elliot's information the day before yesterday. I beg you to express my very sincere sympathy to your respectable parents. I cannot wonder at the excess of their grief at being deprived of a son who was an honour to them, to science, and to his country. Anything which I can do to show my regard for the friend I have lost, his surviving relations have a right to command. Your brother often expressed a wish to me that I would (in case of the event which has happened) select and superintend the publication of his literary remains. If it were agreeable to his friends, I would willingly undertake this task, and endeavour to render such a publication as beneficial to them as possible. Mr Murray

* Mr Morton states that he refused to take the money; and having received a written order for the sum, immediately destroyed it.—*Life*, p. 69.

There are other letters of the poet in existence, but these are unfortunately not at present accessible.

would, I am sure, render me all the assistance in his power upon the tracts which may be preserved, bearing reference to Oriental learning ; and I would endeavour to do justice to John Leyden's kind heart and extensive endowments in something of a biographical memoir.* The value of such a work will very much depend on what MS. your brother may have left in India, which I have no doubt will be safe, he being under Lord Minto's patronage. It is probable, indeed, that your brother may have expressed his own wishes, and left his own directions, in which case my interference will be unnecessary.

" I fear, from the expenses which your brother incurred in purchasing Oriental MS., as well as from his disregard of money, he may not have left much fortune. But I trust enough will be realized to render the old age of his parents as comfortable as it can be under such a deprivation. I take the earliest opportunity to say, that his succession will not be diminished by any claim of mine. I never considered the sum of money (about L.100) which I advanced to assist him on his equipment for India, as anything but a gift of friendship, under the less embarrassing name of a loan.†

* This he afterwards accomplished. See his *Miscellaneous Prose Works* and *Edinburgh Annual Register* for 1811.

† This allusion was not needed in proof of the well-known kind-heartedness of Scott, but the admirers of Leyden cannot fail to regret that the generous deed should have remained so long unpromulgated. The letter was sent to Mr Gilfillan at an opportune moment, when he was preparing his memoir of Sir Walter for the press. It is thus, at last, insured the extensive circulation which it well deserves in his great work. * * * * Fortunately, however, Leyden himself has gratefully acknowledged the warm friendship of Scott in an enduring record—

" O Scott ! with whom in youth's serenest prime
I wove with careless hand the fairy rhyme.

* * * * *

Thy mind, whose fearless frankness nought could move ;
Thy friendship, like an elder brother's love.
While from each scene of early life I part,
True to the beatings of this ardent heart,

“ I have learned no circumstances of my friend’s death different from those you mention, unless that his residence near an artificial pool or lake is supposed to have had some share in producing his disorder. I am,” &c.

*Letter, Dr Thomas Brown, Professor of Moral Philosophy in the University of Edinburgh, to Mr John Leyden.**

“ 79 Princes Street, Edinburgh,
December 26, 1811.

“ MY DEAR SIR,—Before I received the melancholy letter of this evening, I had already heard from an-

When half deceased, with half the world between,
My name shall be unmention’d on the green;
When years combine with distance, let me be,
By all forgot, remember’d yet by thee!”

Scenes of Infancy, Part ii.

Mark, too, how emphatically and touchingly Leyden speaks in a letter, it is believed the last he wrote in England, dated 1st April 1803: “ Money may be paid, but kindness never. * * * And now, my dear Scott, adieu. Think of me with indulgence, and be certain that wherever and in whatever situation John Leyden is, his heart is unchanged by place, and his soul by time.” (*Scott’s Life*, v. 2., p. 117.) Ever honour to the memory of Scott then, for his generosity to Leyden.

It is pleasing to add that the Rev. Sydney Smith, at a time, too, when his means were not considerable, generously contributed L.40 towards the same object.

* For various interesting notices of this worthy sire of a son of genius, see Mr Morton’s *Life* of the poet.

According to the information of a Captain Leyden, cousin of the poet’s father, the armorial bearings of the family, which he had procured in Holland, were “ Argent between 3 lions rampant *gules*, a fess *gules* charged with 3 mullets of the field; for crest, a lion rampant; *gules*, on a coronet jewelled *proper*; supporters two *wyverns* *vert*” In connection with this it may be added that the name seems to be far from common in Scotland. It is not to be found in the very copious Indices to Thomson’s Edition of the Statutes, or in “ the Acta Dominorum,” or “ Acta Auditorum.” In the Roxburghshire electoral roll for 1835, containing nearly 1900 names, it occurs in only two instances besides the poet’s three brothers. It does occur in the Hawick records two centuries ago (see *Annals of Hawick*, p. 54.); and there are still a few families in Hawick and Denholm, all of whom, including the individuals on the electoral roll, are believed to be from the same root, little more than a century ago.

ther quarter of the death of your son, and great as my affliction was on my own account, at the loss of one with whom I had been for so many years in habits of the most intimate friendship, I can assure you that the thought of the distress which you and Mrs Leyden, and your whole family, would have to feel, formed no small part of my grief. I trust however that you are now recovered, at least from the first heavy blow, and that the sorrow which you now feel is only of that gentler sort which admits of the consolations of friendship and the still more precious consolations of religion. There is no friendship, and I may add there is no religion, that will forbid you to weep for the loss of such a son!—but the one will point out to you the comfort which you ought to feel in thinking of the usefulness of his past life, of the honour which he had already earned by his merits, and of the regrets of those who were preparing to honour him still more; and the other will suggest to you that divine and never-failing comfort which arises in the very thought of immortality, in the confidence that the virtues and honours of your son on earth were but the opening of a far brighter track, which he is still pursuing, and in which you are to have the delight, not of admiring him merely and loving him *at a distance*, but of being present with him, and present with him for ever, as a partaker rather than a witness of all the happiness and glory which he is to feel.

“ Be assured, my dear Sir, that in all this family you have friends who most truly sympathize with you at present, and whose best wishes and best services, if they can at any time be useful to you, or to any of your family, you may at all times readily command.

“ With this expression of our sincere condolence, believe me to be at all times, with equal sincerity, yours,” &c.

Alexander Murray, Esq., afterwards Professor of Oriental Languages in the University of Edinburgh, to Mr Robert Leyden.

“ *Manse of Urr, Feb. 7, 1812.*

“ DEAR SIR,—I have just received your letter of the 30th January last ;—the delay of it has been occasioned by its being addressed by Dumfries, not by Castle-Douglas, which is our nearest post-town. The former letter that you mention I have not received, owing, as I think, to the same cause, or perhaps to the stupidity of the old man who manages the post-office at the town next to us, and who often permits letters to be lost.

“ The news of your brother’s death were very severe for me. The loss of an old and intimate friend, and one of the most eminent scholars in the world, in the prime of life, and advancing to that full degree of usefulness which would have done so much good, will be felt by all who stood to him in that relation in which you know we were from the first years of our attendance at the University. Though separated by our situations in life, our pursuits were perhaps so nearly connected, that, had he lived, the friendship which subsisted between us would have produced advantages of which it is now vain to speak.*

* The resemblance between these distinguished individuals was remarkable. Born in the same year ; both the sons of parents in the humblest sphere of life ; their studies similar ; encountering equal difficulties in the pursuit of knowledge ; fellow-students and associates under the same teachers in the same University ; and both possessing an aptitude for the acquisition of languages truly wonderful.

“ Though Leyden aids, alas ! no more
My cause with many languaged lore.’—*Marmion.*

Both, too, cut off in their prime, and in the midst of brilliant careers, to the great loss of literature and the world.

In *Memorials of his Time*, by Lord Cockburn, to whom they were well known, will be found characteristic portraits of both Leyden and Murray.

“ You may rest assured that any assistance which I can give towards editing his writings, or making up an account of his great literary attainments, shall be afforded with melancholy pleasure. I did not expect so soon to have been called to a share in that painful duty, and I must add that I am not well qualified to discharge it; for, though I was acquainted with the nature of his oriental studies till he went to India, the vast acquisitions which he made there are, I fear, beyond my scanty stock of oriental reading either to describe or understand.

“ Mr Scott is every way the proper person for editing his works and writing the memoir of his life, which should be prefixed to these. I have written by this post to Mr Scott, offering any notices that I am able to supply, and in the manner that he chuses to ask them. If you have occasion to correspond with him, you may express to him my readiness to do all that I possibly can to promote his friendly design.

“ There are some facts which it will fall to your care to collect on the spot—such as the precise date of your brother’s birth; of the time when, and the place where he went to school; the teacher’s name; the date of his going to college; and the like. I became acquainted with him in the winter of 1794, which was, I suppose, his second or third year at the university.*

“ I thoroughly sympathize with your father and mother in their sorrow for the death of such a son. He was, indeed, a man of whom any parents might have expected the best, and for whose loss they

* While these sheets are passing through the press the writer has seen a little work, entitled *Supplement to Sir Walter Scott’s Biographical Memoir of Dr John Leyden*, by Mr Robert White of Newcastle. This is a very interesting narrative, although from there having apparently been only twenty-five copies printed, it is not likely to become so generally known as it deserves to be.

might have lamented the most that it is possible for human nature to accomplish.

“ Be so good as to write me at your convenience what measures are taken in the matter of collecting his posthumous works, and how that intention is proceeding.—Believe me to be, dear Sir, with all the sincerity of an old acquaintance, and regard for yourself and your father’s family, your obedient friend and servant.”

The same (then Professor Murray) to the same.

“ *Urr, 11th July, 1812.*

“ DEAR DOCTOR,*—I have received your congratulatory letter of the 9th current, and owe you many thanks for the pleasure you feel in my preferment. I have got, after a hazardous engagement, a victory over the friends of the old system—or, to speak the truth, the friends of literature and independence; and the University have, in my obscure but favoured name, conquered certain principles and practices which you and I have long been accustomed to reprobate. I willingly confess that I am proud of being the nucleus of this glorious light at present, but you know it dawned on us some time before the business of Mr Leslie, and has from the time of his brilliant affair continued to increase.† My desire and sincere wish is, that it may be like the sun, perpetual and regular. Wise and able men of all parties now begin to see distinctly that mean and mediocre men are of little use in a university supported entirely by its reputation.

“ You speak too favourably and indiscriminately of my talents and learning. In one or two things I happen to have no competitors for reputation, because nobody has been led to study in that track.

* Mr Robert Leyden had been a medical student.

† See *Memorials of his Time*, by Lord Cockburn.

But I have not a few contemporaries that far surpass me in literary attainments; and though languages and philology are new subjects when considered in a philosophical manner, yet I always hold both to be only instruments to the science of morals, to political knowledge, to history, to the various kinds of poetry,—that celestial art, the influence of which exerts a power on the most distant ages, and forms the spirit of civilized nations by visions of *perfection* to which our nature here can never actually approach. It becomes me, no doubt, in common with superior workmen, to do all that I can in my peculiar walk of reading to add to that accumulating store, the treasure of useful knowledge; for we owe to this treasure, which I am proud to see increasing, that rank which our country holds among others, that difference which exists between our common peasants and their neighbours in the rest of the empire, and that superiority which our literary men have gained over the well-endowed fraternities of the south. You may perhaps think these observations too contracted and national. They do not, however, flow from a heart that loves nothing but the glory of its native country. It would be a proud day for science and learning if they could discover their influence extended to every land, and knowledge, religion, morality, and their inseparable attendants, rational liberty, ennobling and tranquillizing the whole human race.

“ You justly observe that there are many circumstances which change the tone of congratulation into that of anxiety and grief. Our indefatigable and invaluable friend, than whose a more ardent spirit never comprehended whatever is vast, nor surmounted whatever is difficult in literary pursuit, has prematurely closed his brilliant day, and is gone. When recently engaged in researches into the seve-

ral affinities of certain languages, in which he was extremely conversant, I felt an anticipation of pleasure from the thought that my inquiries would in due time come under his eye, and undergo the friendly correction of his able and learned judgment. Alas ! this expectation was utterly vain, for the possibility of its being accomplished was already past.

“ In this manner are we left to mourn over irreparable losses, over the havoc made by time and death ; among the best of our comforts, to see age advancing rapidly, and many gone for whom we wished to live ; and much undone which should have been accomplished. Yet making some allowance for the bodily inconveniences of ill health, or old age, which are no doubt causes of frequent irritation, I do not think it right that we should permit despair, or rather morbid despondency, to cloud our minds, either on account of the loss of friends or the natural course of human fate. It is a good doctrine that assures us that virtuous minds never die, and it is one better still that leads us to repose on the benevolence and perfection of the First Cause for immortal felicity, increasing in proportion to the enlargement of those intellectual and moral powers which we either possess or admire here. These are consolations presented by our reason and by our faith. If we are disposed to reject the dictates of *both*, and to believe that the grave is the tomb of all that is virtuous, as well as all that is dust, we have our comforter beneath our feet, and ever ready to receive us. But this is too absurd to be seriously maintained in our own behalf, or for the benefit of others.

“ When I come to town I hope to have the pleasure of finding you in good health, and following your own favourite amusements. The ‘ *Vita sine literis mors est* ’ has long been your motto, and also mine.—I am,” &c.

The same to the same.

“ 5 College Street, Edinburgh,
Nov. 13, 1812.

“ DEAR SIR,—I received your letter only to-day, and, in reply, I have to thank you for letting me know the state in which my much-lamented friend, your brother, left his papers. You may assure Dr Hare, whom I am sorry I have not had the good fortune of meeting with, and every gentleman concerned in executing your brother's will, that I shall be most ready to give any assistance in my power towards the arrangement of his MSS. As to the nature of them, they are no doubt very various, and I presume very valuable, as he was an excellent judge of eastern books, and engaged in seeking out such as were most scarce and curious. I should be happy to have a look at the catalogue or list of the MSS. I am, however, of opinion that Dr Hare is right in not shewing the papers till he find an opportunity of doing so to advantage. A collection of that kind should be sold to some public library, to which I think it would form a valuable accession. For effecting the sale, a short descriptive catalogue would be a good preparative.

“ The Poems should, I think, be published immediately. The manner and method should be settled between the executors and booksellers, with the assistance of Mr Scott's advice. He appears to me the best qualified of all your brother's friends for giving an account of his short and very eminent life, and for superintending the publication of his works. I have promised, both to you and to Mr Scott, any service in my power relating to that subject.

“ With regard to your obliging concurrence in letting me have the use of any of the MSS. likely to be serviceable to me in the line of teaching, I re-

turn you my sincere thanks ; but no papers or books should be withdrawn from the rest that might in the least diminish their value, or render them less saleable as property. If they go into any great library, the public will of course have access to them.

“ I have little time at present, and therefore cannot write at greater length. If you could find time to make a copy of the list of MSS., and would transmit it to me in some convenient way, care of Messrs Constable and Co., I would endeavour to form from it some idea of the extent and nature of the collection.—In the meanwhile, I am,” &c.

Professor Thomas Brown to Mr John Leyden.

*Princes Street, Edinburgh,
May 3 (1819).*

“ MY DEAR SIR,—I ought before now to have acknowledged, with many thanks, the receipt of the volume which you had the kindness to send me through Mr Morton. It is truly most valuable to me as a record of (*not legible*) works of genius,—as a memorial of one of the earliest and most intimate of my college friends,—and, I may add, as the gift of one for whom I feel a very high respect, not merely as the father of my friend, but as an example of what Scotland has best reason to be proud of in the moral worth of her virtuous and honourable peasantry.

“ Our excellent friend Morton has written a very pleasing narrative, which I trust is only the first of many works that are to do him honour. It would perhaps have been better for the whole volume if the charge of the poetic part of it likewise had been in his hands.

“ I received a few days ago, from Mr Erskine of

Bombay, a letter which had been very long on its passage, as it was of date the 1st of October. He expected that the *Life of Baber*, which your son had in part translated, and which was afterwards finished by Erskine, would have been published long ago. I know how long Heber had suffered it to remain unasked for in the warehouse of the India Company; but I have not heard of late what is doing with it. Erskine wished the publication to be for your benefit; but if no publisher would undertake it, or it did not seem likely to be profitable, he has no wish himself that it should appear. He is to be regulated entirely by your wishes on the subject. There is no fear of its being creditable to all the parties concerned in the translation, so that there is no question, I conceive, but as to the likelihood of being of profit.

“ My sisters* unite with me in best regards to Mrs Leyden and you, and our old friend Robert;—and I beg you to believe me always yours most truly.”

Robert Southey, Esq., to Mr John Leyden.

“ Keswick, 31st December 1826.

“ DEAR SIR,—I am greatly obliged to you for the

* See the poet's unfading apostrophe to Aurelia in the *Scenes of Infancy*. If that lady was a real personage, Miss Janet Brown, one of these sisters, was probably the individual. As to this, Mr Morton, the biographer of Leyden, writes (1841), “ There was certainly a mutual attachment between her and Dr Leyden, and I have some lines addressed to her by him, which she gave me herself a short time before her death.” Margaret Brown, one of the three sisters of Dr Brown, published *Lays of Affection*, Edinb. 1819. She was a woman of gentle and unobtrusive manners, and of pious disposition. Her poems constitute a respectable memorial of her virtues.” —Rogers' *Modern Scottish Minstrel*, vol. ii., p. 280.

Memoirs of Baber, a book which I am glad to possess for its intrinsic worth, and which I shall always value the more for having thus received it. It was not my fortune to be personally acquainted with your excellent son ; but I knew him well by character, admired his genius and his extraordinary endowments, respected his worth, and loved him for his singleness of heart. He was one of those very few men who have devoted themselves to literature for its own sake, and have not considered the pursuit of knowledge as merely subservient to the pursuit of fortune. The loss of such a man is a calamity, not to his country alone, but to the world. Yet, early as it pleased God to remove him, he has done great things ; he has left an example which will be always admired, though seldom imitated,—a reputation which will never be surpassed and rarely equalled, and a name which will always be held in honour.

“ The time which is bestowed upon our moral and intellectual improvement is not lost, even when the fruits are not permitted to be seen in this world. It is a consolatory thought that we shall carry into a better state of existence those feelings and habits of mind which, by refining and exalting our nature here, qualify it for higher enjoyments than are here to be found, and for a happiness which, while it is everlasting, shall be continually increasing in degree. I am old enough, and have suffered bereavements enough, to derive more comfort and satisfaction from this thought than from any prospects that the world could afford me.—Believe me,” &c.

XIX. *Pedigree of the Family of Douglas of Cavers.**

William, Lord Douglas,† nephew to the Good Sir James, was created Earl at the battle of Durham in 1346. He married Margaret, daughter of Donald, Earl of Mar, and sister to Thomas, at whose death she became heiress of that earldom, and brought her husband large possessions in the south of Scotland, including, it is said, the barony of Cavers, &c. By her he had James, second Earl Douglas, and Isabel, who, at her brother's death, became Countess of Mar. He died about 1384.

James, second Earl, was killed at the battle of Otterburn,‡ 21st July 1388. He left two sons, who were not recognised as legitimate,—William Douglas of Drumlanrig, Hawick, &c., ancestor of the Dukes of Queensberry; and Archibald, first of the Douglases of Cavers.

1. Archibald Douglas carried his father's standard at the battle of Otterburn, and defended it with success against the repeated attacks of the English; it is still preserved at Cavers. (This circumstance has probably misled those historians who have stated that it was the flag of Percy which Douglas captured before Newcastle. The trophy which Earl Douglas won in that encounter, and which has been always preserved along with the foregoing, was a small or-

* It is believed that the pedigree of this family is now published for the first time. It has been carefully drawn up from various sources, printed and manuscript.

† For an account of the origin of this great family from William of Dufglas, the first known to record, who between the years 1175 and 1199 witnesses a charter by Joceline, Bishop of Glasgow, to the monks of Kelso, see *Parochiales Origines*, v. i., p. 155. See also Hume's *History of the Houses of Douglas and Angus*, and the *Quarterly Review* for March 1856, article 1.

‡ See the ballad of *Chevy Chase*.

nament of silk, with the cognisance of the Percies embroidered in small pearls, which was attached to the end of Percy's lance when it was captured by Douglas.*). He had from his father the lands and barony of Cavers, with the heritable sheriffship of Teviotdale. It seems that the superiority remained at first with the Countess of Mar, and that Archibald had from her a new charter of the lands and sheriffship without procuring the royal sanction, by which neglect they recognosced to the King, and were conferred by him on Sir David Fleming of Biggar in 1405. But as Fleming did not long survive that date, it does not appear whether he ever took possession. Sir Archibald afterwards obtained from King James I. a charter of confirmation, dated at Croydon, 30th November 1412, proceeding upon a charter granted to him by his aunt, Lady Isabel, Countess of Mar, in her widowhood, in which the superiority is resigned. He died in the reign of James I., and was succeeded by his son.

2. Sir William, who had a like charter from the King in 1432. He died in 1452, and was succeeded by his eldest son.

3. Sir Archibald, one of the commissioners for settling a truce with the English in 1457, and a Warden of the Marches in 1459. He died in 1486, and was succeeded by his son.

4. Sir William, a Warden of the Marches in his father's lifetime, and called by King James III. to assist at the Parliament at Edinburgh 29th January 1487. In 1488 the old Earl of Douglas wrote to him from his cell in Lindores,† exhorting him to continue loyal to the King, &c. Being at the battle of Sauchieburn, 11th June 1488, he was outlawed

* Both trophy and flag are engraved in Sir Walter Scott's *Border Antiquities*. 2 vols. 4to.

† Drummond of Hawthornden's *History of the Five Jameses*, James III., p. 58, folio, ed. 1711.

by the victorious party, but obtained a remission for himself, with his friends, &c., dated 10th January 1489. A protection was given under the Privy Seal in 1502 to William Douglas of Cavers, knight, and William his son and heir, who is to pass to Denmark. Probably this William died before his father, who is said to have "died (1508) in defence of the realm, in resisting the old enemy of England" (Charter 21 of James IV. 1509.)—Crawford's MS. *Baronage* in Advocates' Library.

5. Sir James married Elizabeth, daughter of John Murray of Fala Hill,* and died in the beginning of Queen Mary's reign. He was succeeded by his eldest son.†

6. Sir James, who was served heir to his father in 1545. He married Christian, daughter of Sir Andrew Ker of Fairniehirst, and had two sons, William his successor, and James. He died in 1557.

7. Sir William married Euphemia, daughter of Sir William Ker of Cessford. (That this was the name of his wife seems placed beyond doubt; a charter extant, containing the names of James Douglas, sir of Cavers, William Douglas his father, and Euphemia Ker his mother. But Douglas's *Peerage* (article "Cranston") asserts that Sir William married Elizabeth, daughter of Sir William Cranston of that Ilk.)

8. Sir James had a charter under the Great Seal on his father's resignation, reserving liferent, &c., 1576. He married *first*, Janet, daughter of Sir John Cranston of that Ilk, by whom he had Sir William; *second*, a daughter of Sir James M'Gill, by whom he had James, minister at Cavers, and Thomas, bailie in Edinburgh. He died in 1612.

* Ancestor of the Murrays of Philiphaugh.

† It seems from the Harleian MS., 1482, that he had two other sons. 2. William of Friershaw (who had two sons, John and James). 3. Robert, who married Helen Douglas, heiress of Toda lia (?), and had a son James.

9. Sir William, who was deeply engaged on the Parliament side, and was one of the commissioners from the Scottish army to treat with Charles I. in 1639. He is frequently mentioned in Baillie's *Letters* as "the sheriff of Teviotdale."* He commanded a regiment of horse, and defeated a body of men raised from Richard Graham's lands in the north of England, who were on their march to join Montrose in 1646. He was also one of the commissioners for trying the Montrosians in 1646.† He married Ann Douglas of Wittingham, and left two sons—Archibald his heir, and John, head of the Douglases of Garvald; and a daughter, married to Sir William Elliot of Stobs. He died about 1658.

10. Sir Archibald, who also had a command in the army of the Parliament, purchased in 1658 the lands of Denholm, Spittal, &c., from William Lord Cranston, whose ancestors had held them in feu from the family of Cavers since they were first granted by charter of Thomas, Earl of Mar. He married Rachel, daughter of Sir James Skene of Halyards, President of the Court of Session. Their united arms may still be seen rudely carved over the kitchen chimney at Westgatehall, Denholm. He died not long after his father (1669 ?), and was succeeded by his son.

11. Sir William, married to Katherine, daughter of Thomas Rigg of Athernie (better known as the Good Lady Cavers, some notice of whose sufferings during the persecution, especially after the death of her husband, may be seen in Wodrow, Crookshanks, and other histories of the times, and of which a detailed account will be found in *The Ladies of the Covenant*, lately published. She was imprisoned in Stirling Castle from November 1682 to December

* See also *Annals of Hawick*, pp. 233-254, dates 1622-1642.

† This was placing Sir William in a delicate position, seeing that nine of his sister's sons had fallen in the preceding year at Auldeerne. See below, *Notices of the Gladstones*, Appendix, XVI.—ED.

1684 (with the exception of three months, from July 1683, during which she was released on bail for the recovery of her health), when her son, returning from his education abroad, gave a bond that she should conform or leave the country within fourteen days, in accordance with which she went to reside in England.) Sir William was deprived of the sheriffship for not complying with the innovations of the Government.* He died in December 1676, leaving five sons—1st, William, his heir; 2d, Archibald, who succeeded to William; 3d, John; 4th, James; 5th, Thomas, ancestor of the present family of Cavers.†

12. Sir William (has been supposed to be the Sir William Douglas mentioned in Dalrymple's *Memoirs*, vol. i., p. 123, 4to ed., 1771, whose wife, a French Protestant lady, was not permitted by Louis XIV. to leave France, though applied for by the ambassador in 1685; but of this we have found no confirmation.) He accepted the command of a troop of dragoons from William III., on his accession to the throne, and married, about 1690, Elizabeth, daughter of Mr John Douglas of Newcastle, but they left no family.‡ He died in 1698, and was succeeded by his brother.

13. Archibald, who married Anna, daughter of Francis Scott of Gorrenberry, was Receiver-General for Scotland from 1705 to 1718, and Postmaster-

* See *Register of Acts of Privy Council*, 25th July 1684.

† This Thomas, who was born in the May following his father's death, married Miss Jean Pringle of Haining, and had a son Andrew, who was a merchant in Suffolk Street, London, and in 1778 was Paymaster of the Navy. He married Miss Mercer, and died leaving two sons—1st, George, who succeeded to Cavers (see below); 2d, Archibald, who succeeded his cousin, Captain John Douglas, in the lands of Adderstone, Midshiels, &c. He married Miss Jane Gale of Arkleby, Cumberland, and dying in 1825, was succeeded by his son, now Archibald Pringle Douglas, who married Margaret Violet, daughter of Mark Pringle of Haining, &c., and has issue.

‡ She afterwards married, secondly, Sir A. Home.

General for Scotland in 1725. He acted as curator for the Dukes of Douglas and Queensberry during their minorities. He represented Roxburghshire in the last Scottish Parliament, and concurred in the Union. He was actively engaged with Argyle and Carpenter in 1715, advancing money at his own risk when no public resources were available, and attended Argyle at Stirling, bringing 300 baggage horses from Roxburghshire for the march to Perth at a few days' notice, in the midst of the violent snow-storm which then prevailed. He died in 1741, leaving a large family, four of whom succeeded each other as below.

14. William, who resigned the sheriffship to his brother Archibald, in order to represent Roxburghshire in the United Parliament, 1742. He died unmarried in 1748.

15. Archibald was the last heritable sheriff of Teviotdale, on the resignation of his brother; heritable jurisdictions being abolished by act of Parliament shortly after 1745. He succeeded his father as Postmaster-General for Scotland, and married Elizabeth, daughter of Hugh Scott of Gala, and died in 1774.

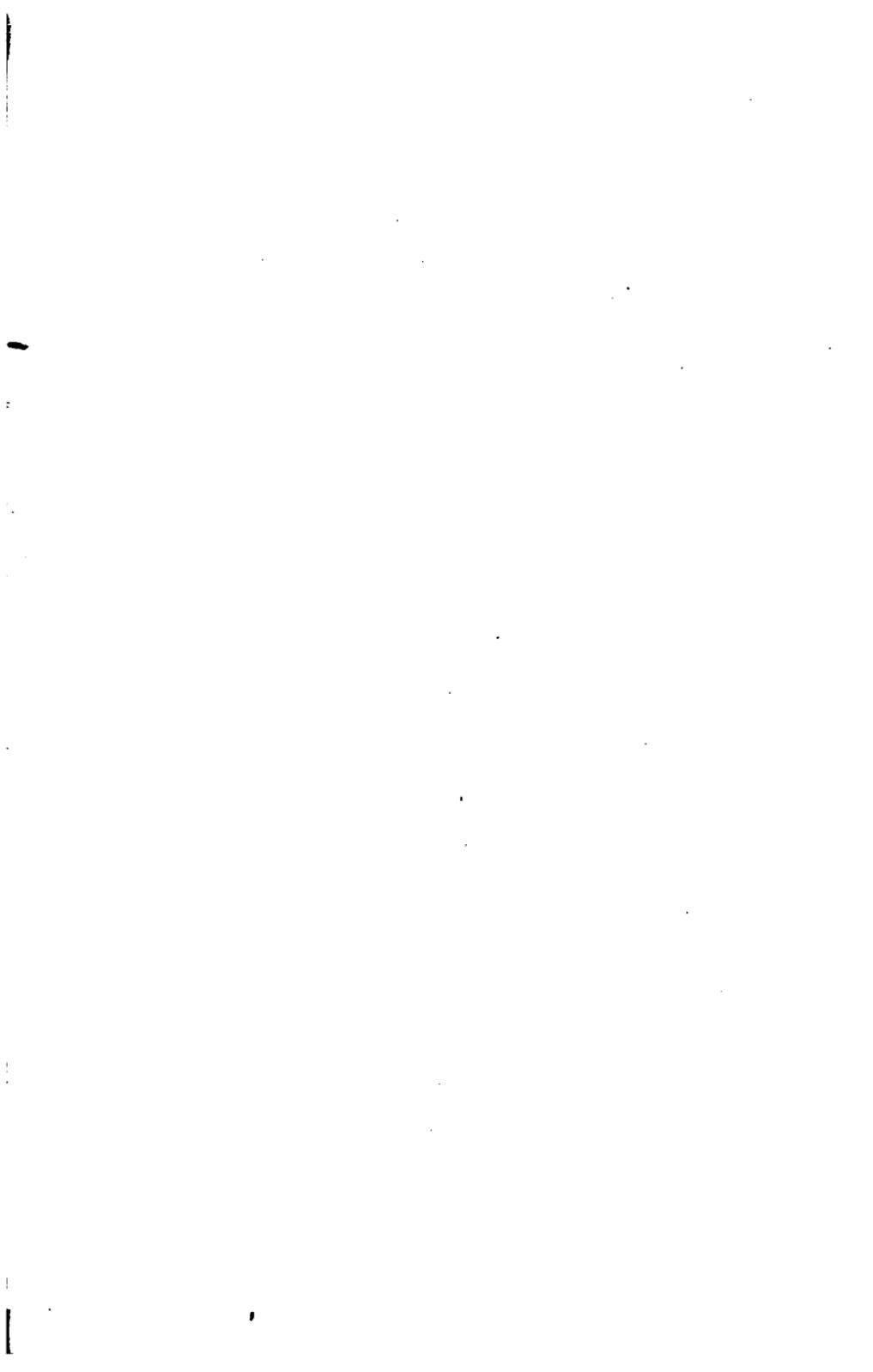
16. The Rev. James Douglas, D.D., Prebendary of Durham, married Jean, daughter of —— Halyburton of Pitcur, and died in 1780.

17. John, Captain, R.N., married Ann, a younger daughter of H. Scott of Gala, and died in 1786.

None of the above leaving any family, the lands passed to their cousin—

18. George, who married Lady Grace Stuart, daughter of Francis, eighth Earl of Moray. He died in 1815, and was succeeded by his son—

19. James, the present proprietor, who married Emma, daughter of Sir David Carnegie, Bart. of Southesk, and has issue.



PEDIGREE

The surname of Elliott in the south of Scotland

XX. *Pedigree of the Eliotts of Stobs.**

The Eliotts of Stobs are a branch of the Eliotts of Larriston; the first Elliott of Stobs being the second son of William Elliott of Larriston by Mary, second daughter of Sir Walter Scott of Buccleuch (father of Walter first Lord Buccleuch) and Lady Mary Douglas, eldest daughter of David, seventh Earl of Angus. The family of Larriston became *extinct* in the male line about the middle (later than 1637) of the seventeenth century, so that the representative of the family of Stobs is now the undoubted chief of that name.

I. Gavin Elliott of Stobs,† second son to William Elliott of Larriston, about the end of the sixteenth century, was father to——‡

II. Gilbert Elliott,§ commonly called “Gibby with the Gowden Garters,” had a charter of the town of Rule in 1632. He married Margaret Scott, com-

* This paper, drawn up in the year 1788, and preserved amongst the Minto archives, professing to give an account of the house of Stobs from authentic documents, was apparently intended to establish the chieftainship in them. It is believed to be accurate, excepting in one particular noted below, although differing in various particulars from a pedigree of the Eliotts of Larriston and branches, drawn up about the year 1790 by the late Mr William Elliot, writer in Hawick; but the present paper seems much more trustworthy. A copy of Mr Elliot's pedigree is in the editor's possession, to which any party interested may have access. It embraces the families of—

Arkleton,	Heathfield,	Mosspeebles,	Stobs,
Binks,	Harwood,	Ormiston,	Thorlieshope,
Borthwickbrae,	Larriston,	Otterburne,	Unthank,
Brough,	Lodgegill,	Park,	Wells,
Cooms,	Meikledale,	Penchrise,	Whithaugh,
Carlanrickrig,	Midlem Mill,	Peebles,	Wolfiee.
Fenwick,	Minto,	Redheugh,	

† This name occurs in Morrison's *Dict.*, vol. i., p. 201, date 1636.

‡ Here the pedigree is incorrect, as Gavin belonged to an older generation, and there was no intermediate step between William Elliott of Larriston and Gilbert Elliott of Stobs, the latter being the son and not the grandson of the former. This is corrected in the tabular pedigree.

§ His name also occurs in *Annals of Hawick*, p. 231, date 1622, and pp. 256, 283, 292, 296, date 1623, and in Morrison's *Dict.*, p. 2701, date 1634.

monly called "Maggy Fendy," daughter of Walter Scott of Harden, commonly called "Auld Wat of Harden," and "Mary Scott, the Flower of Yarrow," by whom he had—

1. William, his heir.
2. Gilbert of Craigend. Charter 1637.
3. Archibald of Middlestead. Charter 1638.
4. Gavin of Midlem Mill, ancestor of Minto.
5. John, an advocate.
6. James, who married Margaret, daughter and heiress of Robert Elliot of Larriston and Lady Jean Stewart, his spouse. *Vide* charter, 27th January 1637, and seisin registered in *Particular Register of Seisines* for Roxburghshire, 1st September 1637. The original papers are in the hands of Colonel William Elliot, now of Larriston.

Nota.—The above Robert Elliott was the last heir-male of the family of Larriston, the representation devolving upon William Elliott of Stobs, eldest brother of James, who married the heiress.

III. William Elliott of Stobs, Esquire. He had a charter of the Town of Rule in 1649.* He married Elizabeth Douglas, daughter of Sir James Douglas of Cavers, Knight, and had three sons and a daughter:—

1. Sir Gilbert, his heir.
2. Gavin.
3. William Elliott of Peebles, whose male representative was Sir John Elliot of Peebles, late physician in London, who died in 1787.
4. The daughter, Margaret, was married to William Bennet of Grubbit, Esquire.

IV. Sir Gilbert, created in 1640 a Knight Banneret by the king in person at the battle of Scone, and afterwards in 1666 a Baronet of Nova Scotia.

* He was served heir of his father Gilbert in the lands of Hangansyde, Roxburghshire, 14th May 1645. *Inq. Ret. xix*, 176.—ED.

He married first, Isabella, second daughter of James, Master of Cranstoun, by Lady Elizabeth Stewart, eldest daughter of Francis, first of that surname, Earl of Bothwell, and by her had—

1. Sir William, his heir.

He married, second, Magdalene, daughter of Sir John Nicolson of Lasswade, Bart., and by her had—

1. Thomas of Woollee.

2. Gilbert Elliott of Stonedge.

3. William Elliott, merchant in London.

Nota.—Mrs Currey, wife of Mr Currey, Rector of Dartford in Kent, is his grand-daughter.

4. And a daughter, Magdalene, married to Sir John Pringle of Stichel, Bart.

Nota.—This last lady died at Stichel, and was interred there, 24th February 1699.

V. Sir William Elliott. He married, first, Elizabeth, eldest daughter of Sir John Scott, first Baronet of Ancrum. By her he had no issue. By his second wife, Margaret, daughter of Charles Murray of Haddon, he had two sons and five daughters :—

1. Sir Gilbert, his heir.

2. John, in the army.

Daughters—

1. Margaret, married to Sir John Paterson of Eccles.

2. Magdalene, married to Alexander Scott of Sinton.

3. Janet, married to Captain Corbet.

4. Elizabeth, married to John Forrest, merchant in Edinburgh.

5. Christian, married to Mr Blair, episcopal minister, Edinburgh.

Sir William died 19th February 1699.

VI. Sir Gilbert Elliott. He married Eleanora, daughter of William Elliot of Wells, merchant in London, by whom he had eight sons, viz. :—

1. Sir John, his heir.
2. William, merchant in India. He died in London.
3. Gilbert, in the sea service of East India Comp.
4. Archibald, merchant in London.
5. Charles, lawyer, Judge-Advocate, Carolina.
6. Elliot, captain in the navy.
7. Gavin, captain of a ship in India.
8. George Augustus, general in the army, Governor of Gibraltar, K.B., and now (1788) Lord Heathfield of Gibraltar.

Sir Gilbert died 27th May 1764.

VII. Sir John Elliott.* He married Mary, daughter of —— Andrews in London, and by her had—

1. Sir Francis, his heir.
2. Anne.
3. Eleanor.

Sir John died 1st January 1768.

VIII. Sir Francis Elliott, the fifth Baronet, married Euphan, daughter of —— Dixon, by whom he had two sons and two daughters :—

1. William, his heir.
2. John.
3. Mary.
4. Anne.

XXI. *Pedigree of the Family of Minto.*†

Gavin Elliot of Grange and Midlem Mill, fourth son of Gilbert Elliot of Stobbs, “ called Gibbie with the Gowden Garters,” and of Margaret Scott, daughter of Walter Scott of Harden,‡ called “ Maggy Fendy,” married a daughter of Hay of Haystone, by whom

* Said to have been named after John, the great Duke of Argyll
—*Mr W. Elliot's Pedigree.*

† Revised by a member of the family.

‡ See *Annals of Hawick*, p. 257.

he had two sons,—Robert of Midlem Mill, and Gilbert, ancestor of Minto.

I. Gilbert Elliot, second son of Gavin of Midlem Mill, born 1651, married, first, Helen Stevenson of Dumfries, by whom he had one daughter, Mary, who married Sir John Elphinston of Logie, and had children; married, secondly, in 1692, Jean Carr, daughter of Sir Andrew Carr of Cavers, by whom he had two sons, Gilbert, his heir, and Andrew, drowned young, on his passage to Holland. He was admitted advocate in 1687; appointed clerk to the Privy Council in 1689; received knighthood, and became Sir Gilbert in 1692 or 1693; was created a Baronet in 1700; was appointed Lord of Session and Justiciary, taking the title of Lord Minto, on the 28th June 1705; died in 1718. His eldest son—

II. Sir Gilbert (second Lord Minto), born in 1693 or 1694, married in August 1718, Helen Stewart, daughter of Sir Robert Stewart of Allan Bank, and of Helen Cockburn, daughter of Sir Archibald Cockburn of Lanton, by whom he had 13 children, viz. :—Eleanor, born December 1719, married in 1737 to Major Rutherford of Edgerston; Jane, December 1720, died an infant; Gilbert, September 1722, his heir; Mary, March 1724; Robert, September 1725, in the army, died 1758; Jane, April 1727, authoress of the “Flowers of the Forest,” died —; Andrew, November 1728; Marianne, November 1730; John, April 1732, Admiral;* Margaret died an infant; Anne married Captain Congleton (twins, 1734); Grizell, November 1737; Archibald, September 1743, Lord of Session, 21st June 1726; of Justiciary, 20th August 1733; Justice-Clerk, 1763; sat in Parliament for the Jedburgh district of burghs from 1722 till his elevation to the bench; died 1766.

* The conqueror of Thurot. See *History of England*, under date 1760.—ED.

III. Sir Gilbert Elliot, born 1722; went to Dalkeith school 1734; at college 1737; passed civil law trials 1743; went to Holland 1744; 1746, married Agnes Murray Kynymund, only daughter of Hugh Dalrymple, who was second son of Sir David Dalrymple of New Hailes. She assumed the name of Murray, &c., as heiress to the estate of Sir Alexander Murray of Melgund; by her he had seven children, viz.:—Isabella, born 1749, died unmarried; Gilbert, his heir, born 1751; Hugh, born 1752, in the diplomatic service, and Governor of Madras; Alexander, born 1754, in the East India Company's Service, died in India; Robert, born 1755, rector of Wheldrake in Yorkshire; David, born 1756, died young; Eleanor, born 1758, married Lord Auckland; Sir Gilbert was elected M.P. for Selkirkshire in 1754; 1756, became a Lord of the Admiralty; 1762, Treasurer of the Chamber; 1765, elected for Roxburghshire; 1767, Keeper of the Signet for Scotland; 1770, Treasurer of the Navy; died at Marseilles in 1777.*

IV. Sir Gilbert, Earl of Minto, born in 1751; entered as gentleman commoner at Christ Church, Oxford; after leaving the University, called to the bar as a member of Lincoln's Inn. January 1777, married Miss Amyand, eldest daughter of Sir George Amyand, Bart., by whom he had seven children, viz.:—Gilbert, his heir, born 1782 (the present Earl); George, born 1784, Admiral; Anna Maria, born 1785, married Sir Rufane Donkin, died 1855; John Edmund, born 1788, M.P. for Roxburghshire; † Harriet, born 1790, died 1825; William, born 1792, died 1811, in the navy; Catherine, born 1797, married Sir John Boileau, Bart. He entered Par-

* He was author of the fine song, "My sheep I neglected, I broke my sheep hook," published in the Notes to the *Lay of the Last Minstrel*.—Ed.

† Named after Edmund Burke.

liament in 1776, sitting successively for the burgh of Morpeth, the county of Roxburgh, and the boroughs of Berwick and of Helleston. In 1793 he went as one of the commissioners with Lord Hood to Toulon. In 1794 he became viceroy of Corsica. He was raised to the peerage by the title of Baron Minto in 1797. In 1799 he was appointed minister-plenipotentiary at the court of Vienna, where he remained till near the end of 1801. In 1806 he was for a short time President of the Board of Control, in the administration of Lord Grenville and Mr Fox; and in February 1807 left England to occupy the post of Governor-General of India, which he held till 1814. Having been created Earl of Minto and Viscount Melgund in 1813, he returned to England in May 1814, died at Stevenage, on his way to Scotland, on the 21st June 1814, and was interred in Westminster Abbey.

XXII. *Notices of Remarkable Individuals connected with the Town.*

Sir James Douglas of Drumlanrig, Superior of the Burgh of Hawick.

In the *Annals of Hawick* will be found several particulars relating to this brave baron. He was born in 1498, and flourished during the reigns of King James V., Queen Mary, and King James VI. For his loyalty to his sovereign, King James V., he was forced to sue out a pardon. This was not all, for he was accused of treason by his own son-in-law, Chartres of Amisfield; and there being no witnesses brought to prove the crime, it was permitted to be

decided by single combat, which was performed with the greatest bravery on both sides in presence of King James V. Afterwards, he continued in great favour with Queen Mary, and some little time before his death, in the eightieth year of his age, he received an exoneration under the Broad Seal, for his transactions in his various employments. Notwithstanding of his loyalty to Queen Mary, his name appears in the rolls as present in Parliament in 1560, when the Confession of Faith was ratified. This would probably be held as virtually exonerating the partake men of Hawick from their obligation to maintain a lamp burning before the altar in their church. By his second wife, Christian Montgomery, daughter of John, Master of Eglinton, son and heir of Hugh, the first Earl of Eglinton, he had, besides other children, a daughter, Janet, who was married to William Kerr of Cessford, ancestor of the present Duke of Roxburgh, and from this pair sprung Mary Kerr, who was married to Sir Walter Scott of Buccleuch, progenitors of the present Duke of Buccleuch. See Collins's *Peerage of England*, 1714.

The Family of Gladstones of Whitlaw, &c.

“ Upon the 14 day of Maii 1645, my father, Francis Gladstones, being of tuentie-ane years of age and ane lieutennent, was, with his brother, Captaine James Gladstones, and other nyne sisters, sons of Sir William Douglass of Cavers, Shyriff of Teviotdale, killed at the battell of Aulderne, fought ags^t Montrose.”*

Although this curious statement is not confirmed

* From the blank leaf of a Bæza Bible, Geneva edition, dated 1601, belonging to the burgh of Hawick. On being shown this entry, Mr Kilgour of the General Register House stated that he had seen the incident noticed in some other record.

by any tradition or record within the knowledge of the family at Cavers,* there is no reason to doubt its accuracy. The volume in which it occurs has evidently, from various genealogical entries, been the family Bible of the Gladstanes of Whitlaw.† It is also in the handwriting of Walter Gladstanes, son of the Lieutenant, who was town-clerk of Hawick from 1673 till his death in 1718. Walter Gladstanes was succeeded in the office of town-clerk by his son, Walter, the second, which he held till his death in 1732. He was succeeded in 1732 by Mr James Weir, who held the office till his death in 1762. Mr Weir was succeeded by Mr John Gladstanes, son of Walter the second, and Mr Thomas Wintrose, who held the office jointly; but this arrangement having been found inconvenient, and as Mr Gladstanes would not take the oaths to Government,‡ they resigned in 1768, and were succeeded by Mr James Weir, son of the former Mr Weir, who, after holding the office only one month, died, and was succeeded by the former clerk, Mr John Gladstanes, who was then chosen town-clerk for life, and who seems to have been excused from taking the oaths to Government. He died in 1783. This Mr John Gladstanes, who had two daughters but no son, seems to have been the last male of the family settled in Teviotdale. He, like his predecessors in office, kept a public-house; and while this practice, which died with himself, subsisted, most of the civic business, as is shown

* They were gratified, however, to find that their kinsmen had been on the *right side*.

† Its history is this:—Having fallen into the hands of Catherine Cheyne, long a domestic of the family, it devolved on her death to her nephew, William Smith, cutler in Hawick. By him it was given to Mr Andrew Irvine, merchant in Hawick, who presented it to the burgh.

‡ This was hardly to have been expected from one whose ancestor had fallen at Auldearn, when fighting against Montrose.

by the treasurer's books, appears to have been transacted in the town-clerk's house over the bottle. It is traditionally stated, that John being a pacific person, was in the practice of discouraging litigation, which he did by inviting the disputants to his house in the evening, when he would arrange their differences amicably. It was his custom to put treacle into the brandy, then drunk undiluted; and as this stuck to the bottom during the subsequent replenishments of the *stoup*, it was alleged that the consumers thus got scrimp measure—a manifest aspersion this, no doubt.

The Whitlaw family are understood to have been an offshoot from the family of Gladstones of that ilk; and the extinction in their own locality of the old stock may be explained by the following circumstance:—According to tradition the last of the Gladstones of that ilk had been out in the '45, and was among the prisoners to be tried at Carlisle. But the judge, on his way thither, asked Douglas of Cavers, the sheriff of Teviotdale, who had shown himself steady to the Government, if there were any persons there whom he was anxious to save. And he (probably not unmindful of the mournful incident at Auldearne a century before) naming his neighbour Gladstones, the judge took care that his name should be forgotten in the list for prosecution, so that he got off untried. This circumstance, if true, well enough agrees with the total disappearance of the Gladstones family, who might think that being only overlooked, not pardoned, it was safer to be quite unseen and forgotten. At all events, their disappearance was so complete, that no one claiming property in their burial-place at Cavers, the heritors ventured to pull it down, so as to enlarge the open burial-ground.*

* Communicated by James Douglas, Esq., younger of Cavers.

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Mr Scott Chisholme of Stirches starts the probable conjecture that as the Gladstones were originally a Peeblesshire family, they might retain the name of *that ilk* after settling in Teviotdale. See *Acta Auditorum*, p. 98, under date 1482.

Bailie John Hardy.

Every circumstance relating to Bailie Hardy, father of the manufactures of Hawick, must prove interesting. The family had been very long settled in the town, and they appear always to have been ranked among the notables of the place. Mr Hardy himself filled the office of magistrate oftener than has fallen to the lot of any other individual, for which he was well qualified by his shrewdness and energy.* Unfortunately, we possess slight knowledge of his family history beyond what is comprehended in the inscription on his tombstone, which has been recently renewed, and is in these words:—

“Here lies Robert Hardy, leat Bailie in Hawick, who died 23d of December 1718, aged 56 yrs; as also Margaret Oliver, his spouse,

* The bailies of Hawick have not had the good fortune to secure reports of their remarkable decisions. Here, however, is a fragment of one of Bailie Hardy's cases.

The bailie and complainer ascend the council-room stair together, the Bailie incidentally remarking—“Captain, ye haes nae chance the day.”

Captain Hume, *Complainer.*
Robin Adair, *Panel.*

“*Bailie*—Weil, Captain, say way.”

“*Capt.*—Please your honour, I was sitting at my own fireside reading Josephus' Works. No, it was not that, it was the Arabian Tales. No, that was not it neither; I forgot what it was—but it was some thing or other. In a moment, that incarnate d—— Rab comes crash against the partition, when you would have thought the whole house would be down. Nilly, Pally, and Tilly immediately ran to the door.

“*Bailie*.—No to stop you, Captain, what gars ye keep sae mony dogs about the house?”

“*Capt.*—Dogs! why these names are quite common in the country I came from. Bless you, Mr Bailie, these are my childer.” (The rest wanting.)

who died the 6th of July 1719, aged 61; as also John Hardy, carrier in Hawick, who died 7th of Jun. 1731, aged 62, and Isabel Aitken, his spouse, who died the 6 of April 1739, aged 53, and two of their children. Here lies the body of Janet Elliott, spouse to Bailie John Hardy, who died in April 1760, aged 34. Here lies John Hardy, son of Bailie John Hardy, who died 27th May 1782, aged 12 years.

“Here also are interred fifteen more of the children of the said Bailie.

“John Hardie, late Bailie and Merchant in Hawick, who died 13th October 1800, aged 78 years.

“Also, Rebecca Swan, spouse to John Hardie, late Bailie in Hawick, who died January 1, 1809, aged 68 years.”

John Hardy* was the last male descendant of an ancient race, which traced their lineage from Hardicanute the Dane, King of Denmark and England.†

The worthy gentleman was naturally of a quick temper, and his long tenure of office in a town where the old Border martial feeling had not yet altogether subsided, was not calculated to assuage it. It was customary in his days for shopkeepers frequently to bend over their closed half-doors noting passers-by; and there are persons still living who remember

* This surname is not mentioned in the Scottish Rolls nor any other of our principal records. In the Retours, terminating in 1700, it occurs only three or four times, from which we may infer that it is somewhat rare in Scotland.

† This claim to a royal origin does not seem to be peculiar to the Hardys. Thus, Mr Robert Chambers, in his *Tracings of the North of Europe*, relates that in Norway he found persons in humble life counting kindred with the old kings of that country. (*Edinburgh Journal*, 26th January 1850.) Thus, too, in the Life of Ebenezer Erskine, father of the Secession Church, by Fraser (p. 40), it is stated that his great-great-grandmother was daughter of Harry Halore of that ilk in Orkney, who was a lineal descendant of Halore, Prince of Denmark. After all, the claim of the Hardys is probably as well-founded as others of the like sort. Thus, in Liddesdale, we meet with Armstrongs, who maintain that they are descended from the celebrated Jock o’ the-Side, and in Canonby others of the same name, who point to a still greater person, he of Gilknockie, as their ancestor, although probably neither possess any written voucher to support their pretensions. Thus a few centuries constitute the only difference between the two. The Hawick warcry favours the family tradition, in so far as it points to the Scandinavian origin of the first settlers.

Although nicknames, which also point in a Scandinavian direction, were in his time very general, he seems to have escaped: he had, however, a brother called “Whether or No.”

having, as (mischievous no doubt) boys, deemed it prudent to make a detour when drawing near the Cross, where he resided, in order to escape the reprehesion, or, it may be the edge of the staff, of the worthy bailie.

In that brilliant array of renowned names presented by our unfailing friend Gawyn Douglas, in his *Palace of Honour*, may be found portraits which not inaptly exhibit Bailie Hardy. Thus, one,

"Like ane mowar* him alone
Stude scornand euerie man as they zied by."

There is perhaps a nearer approach to reality in another, who

"Stude with mony girne and grone
Spittand and cryand fy."

Such traits of character, however, do not detract from the worth of the bailie, whose name will ever be held in honoured remembrance by the citizens of Hawick as one of their greatest benefactors.

Henry Scott.

This individual, who had the honour of being foremost to scale and plant the British standard on the walls of Quebec, belonged to an old family in Hawick, called (*distinctionis causa*) the Milnport Scotts. In his admission, as burgess of Hawick in 1752, he is designated "merchant and only son of George Scott, merchant in Hawick." Most honourable mention of his name occurs in the *Encyclopædia Britannica*, article Cape Breton, in the reduction of which key to the Canadas in 1758, he was greatly instrumental. See also the same article in *Brewster's Encyclopædia*. He soon attained the rank of Major, but did not live long to enjoy it, and must have died a young man. He was

* Clock.

married, but left no issue. The descent on Cape Breton is thus narrated in the *Percy Anecdotes* : “While General Wolfe was busy superintending the embarkation of the troops, he ordered Major Scott to support a detachment of 100 men, who had been sent forward to climb the rocks. The Major pushed on with the division under his command ; but his own boat arriving before the rest, and being staved to pieces on the rocky shore, he was obliged to land and climb the steep himself. He was in hopes that the 100 men who had been sent before him were engaged by this time with the enemy ; but on ascending, he found no more than ten, who had stopped short in their career till their comrades should join them. Small as this number was, Major Scott resolved with them to get to the top of the rocks. On reaching the pinnacle, he found himself opposed by about sixty Frenchmen and ten Indians ; and before he could establish a footing, two of his men were killed and three wounded. Still the brave Major would not, even in this extremity, abandon a post on which the success of the whole enterprise depended. He desired his five remaining followers not to be dismayed ; and even went so far as to threaten that he would fire upon the first man that flinched. In the meantime he had three balls lodged in his clothes, and would have had all the enemy upon him at once, had it not been for a copse that was between them, and through which he kept them at bay. At length some of his detachment joined him ; and advancing on the enemy, he drove them before him and took possession of the battery.”— See *Anecdotes of Enterprise*, vol. iii., p. 96.

William Turnbull.

At Hawick was born, in 1729, William Turnbull.

He settled in London and was chosen physician to the Eastern Dispensary. Dr Turnbull furnished the medical articles for the "*Dictionary of Arts and Sciences*," published in 1779, by the Rev. Erasmus Middleton.—Scott of Newcastleton's *Border Exploits*, p. 207.

Adam Armstrong.

This individual was the last cornet who, as dux, carried the Grammar School colour at the common riding. After completing his studies at the University of Edinburgh, he was, on the recommendation of Dr Charters of Wilton, engaged as preceptor in the family of the Doctor's cousin, Admiral Greig, whom he accompanied to Russia. Having permanently settled in that country, he held various important offices under the Imperial Government. He married Isabella Lindsay, daughter of Dr Lindsay of Jedburgh, a lady whose name will descend to distant times as the sweetheart of Burns. After his death, the Emperor bestowed pensions on his widow (a second wife) and daughters. A union between one of these young ladies and the well-known diplomatist, Count Nesselrode, was prevented by religious scruples on the part of her father, who was a rigid Presbyterian, and indeed had been educated for the Scotch Church. His eldest son, Robert Lindsay Armstrong, is now director-general of the Imperial Mint at St Petersburgh, with the rank of general in the Russian service, and a younger son holds office under the same government.

Robert Armstrong,

Younger brother of Adam, will be long remembered in Hawick, where he was postmaster from

1809 till his death. Of this gentleman the following obituary notice appeared in the *Kelso Chronicle* newspaper. "Mr Robert Armstrong, printer, Hawick. In the death of this individual, which occurred on the 7th instant (July 1852) the last link which connected the present age with the closing quarter of the preceding century may, as regards this town, be said to be broken. It was about the end of the first American war, that Mr Armstrong entered on his apprenticeship with Dr James Wilson of Otterburn, then a surgeon in extensive practice at Hawick. He subsequently became a printer and bookseller on his own account at Hawick, upwards of fifty years ago. During this period many works of sterling merit issued from his press; among which may be named those of Drs Somerville and Charters. But it was by the Edinburgh publishers that his press was chiefly engaged, his promptitude in the detection of errors, skill in punctuation, and careful superintendence of the press, giving more than ordinary value to its productions. In a professional point of view, it was however unfortunate his having settled in a provincial town where the business of publisher is necessarily conducted under great disadvantages; and if he had preferred the metropolis as an arena, there is every reason to think that he would have reached the summit of his profession. Mr Armstrong, upwards of forty years ago, gave the world a proof of his exquisite literary taste in the *Banquet of Euphrosyne*, one of the finest collections of songs ever published, and which, as regards judicious selection, has probably never been surpassed. As an evidence of its merit, not more than twelve months ago, he received from an Edinburgh publisher an order for fifty copies of the book, which, however, had been long out of print. Mr Armstrong was a descendant of the

Armstrongs of Mangerton and Gilknockie, a race whose daring exploits in ancient times have been embalmed in deathless dirges, the perusal of which still affords delight to every cultivated mind. In person he was indeed a fine specimen of this very interesting Border clan, whose early history may be pretty safely stated to be now lost in the abyss of time, since so intelligent a clansman knew so little concerning them. He was, not many years ago, waited upon by an Irish gentleman of the same name, who had come over for the express purpose of tracing the early history of his ancestors, to whom, however, it was with regret he could impart little that was of any value. The traditional statement in this gentleman's family was, that the Armstrongs had originally come to Ulster from the Scottish Border, in consequence of the plantation scheme of King James I.,* or rather, to assign to merit its due, of his great chancellor, Lord Bacon; and it was a corroborative circumstance that the large property of the family there is named Roxberry. Mr Armstrong has left no descendants, all his numerous family having predeceased him. He was in the 83d year of his age."

These two brothers were grandsons of the Rev. Robert Riccalton, minister of Hopekirk. — See *App. XV.*

[The Armstrong clan were very numerous in Canonby and Liddesdale at that time (Henry VIII.). Among the places of strength where they resided in Canonby, were Gilknockie, Sark, Kinmont, Hallgreen, Hollis, Mumbyhirst, and the Castle of Harelaw. Irving Castle, near Langholm, belonged to a family of that name, which still flourishes in Annandale. In

* When the province of Ulster was transferred to the Crown by Tyrone's rebellion, the lands were distributed among private adventurers, on condition that tenants should be transplanted thither from England or Scotland.—*Laing's History of Scotland*, iii. 206.

Liddesdale the Armstrongs possessed Mangerton, Whithaugh, Hilles, Puddingburn, &c.; yet the Elliots were still more numerous in that quarter.]—*Border Exploits*, by William Scott, Mason in Newcastleton; published at Hawick in 1812. See also before anno 1547.

Rob Tinlin.

The Act of the Town-Council in 1806, which indicates the change of manners in progress, was probably aimed at this individual and his colleague.

Rob Tinlin belonged to a class now extinct. In his earlier years the master and servant sat at the same table, and the latter hence acquired an easy familiarity with his employer, which has disappeared in our times. Rob thus habitually assumed much of the air of a magistrate in his dealings with the lieges. As an instance of this, at the elections of bailies, he used to point out authoritatively the individual in the leet who ought to be preferred. Being also parish-beadle, he took his seat immediately in front of the pulpit for the purpose of keeping in check the minister, who, if a stranger and a tedious preacher, was made to understand, by a shake of Rob's head, that the congregation were getting wearied and when this hint was unheeded, Rob would bid him in plain terms “hae done.”*

The last of the feudal *régime* it is not to be wondered at that he was eminently loyal, but the feeling was much strengthened in his case by the circumstance of his having been of the same age with King

* Here is a specimen of freedom of speech from the pulpit—the period about the Revolution—the parish Minto: “My friens, be thankfu’ that Sabbath is upon the day that its on, for had it been a Tysday ye wad hae been at Jeddart, or if a Fursday ye wad hae been at Hawick. My friens, be thankfu’ that ye are no crown pieces, for if ye had, ye wad s’ had been tossed into Gibbie Elliot’s bonnet.”

George III. In his days, all those who did not implicitly approve of the measures of Government were stigmatized as unsafe persons or blacknebs; and if any such individual dared to utter disloyal words in Rob's presence, he was soon found, in the words of old Gawyn Douglas—

“bitand the erd.”

On ceremonial, or, as they were termed, *solemn* occasions, a phrase evidently derived from Popish times, Rob, dressed in his mulberry-coloured coat, a garb which, like the martial air *Tery Bus*,* has probably descended from a remote period, did not neglect the duties of his office. He regularly wound up the proceedings of the day by the announcement—

“Hawick for ever, and independent;”

words jeered at by the bystanders, but which were probably a formula handed down by one dempster to another, from a period anterior to record, and once of much significance.

Rob was the last functionary who levied *yule fees* from the community; a practice which is believed to have been discontinued soon after the commencement of the present century. He died in 1815.

Wat Tinlin,

Son of the former, is still remembered by many persons as an assistant to his father. Sir Walter Scott, who seems to have known something of the

* This air and *John Paterson's Mare rides foremost* are among the few surviving reminiscences of Flodden. The latter was probably the march to the battle-field, the former the onset. Both airs are simple, although not unpleasing, but they were certainly susceptible of improvement under the hands of the master of music and John Pringle. Why the mulberry-coloured costume, another undoubted reminiscence of Flodden, was laid aside in our own times, it is not easy to say. The delinquent, whoever he was, should be adjudged to revive it.

race, describes them as retainers of Buccleuch,* and skilful archers during the times of border foray. Of Wat's progenitor and namesake, a celebrated archer, and also like Wat, a soutar by profession, Sir Walter says—

“ Well they knew
In vain he never twanged the yew.”

Some traces of the old Border leaven might be detected in Wat, whose angry word, like his father's, was quickly followed by a blow ; his maxim with every opponent being, after the fashion of the archer, his namesake, to “ nail him to de pairpil.”

Wat affirmed that it was his “ forfadder yat fetched the flag off Flowden Field.” The main fact of a Tin-lin being the standard-bearer may be true, but he was wrong as to the place of capture, which was on Teviot, and the date, which was 1514.

Robert Rutherford.

This individual will be long remembered by the present generation as a charming performer on the violin. Of him the following obituary notice appeared in the *Kelso Chronicle* of 24th November 1843 :—“ Died here (Hawick) on Sunday last, aged 66, Robert Rutherford, musician. This announcement will recall to the recollection of many, the delightful hours they have spent in listening to the exquisite performances of this admirable violinist. He was indeed probably the last of the old school of performers in these parts. Without any of the dashing execution of the race of youngsters who strive to dazzle rather than delight, his object was to please, and he succeeded to perfection, by maintaining that perfectly harmonious and yet inspiriting strain which is characteristic of Scottish music. He was in the

* This is rendered probable from their residence having been at the hamlet of Auld Crumheugh, of which there are now no remains.

practice of paying a yearly visit to the opposite side of the Border, where his honest face was hailed with delight. But no more will the simple swains of Tynedale nor the more refined votaries of St Cecilia at Minto House, where he was no stranger, rejoice in the syren strains of honest Rob's cremona. Rob was not merely a skilful musician, but an honest man. An instance of his uprightness is worthy of mention. Being in the militia service in his earlier days, he was ordered to flog a fellow-soldier for some offence; this, however, he refused to do, as the man *had dune him nae ill*. Whether from being a balloted man, or some other technical reason, Rob could not be punished corporally for his refusal, but his pay was reduced twopence per day, to which he cheerfully submitted, rather than demean himself by flogging a brother soldier. Peace to thy ashes, worthy Rob! If the diffusion of innocent pleasure be beneficial to mankind, you have not lived in vain."

John Howison.

Robert Rutherford in his youth probably heard the performances of his townsman John Howison, a celebrated player on the violin, and well-known throughout the Border country. At Howison's funeral, a great concourse of persons, whose ears he had charmed while in life, assembled to pay this last honour to his memory. His father, also no mean musician, with Roman fortitude pronounced over his grave an eulogium at once simple and noble—

"Here lies the master of music."*

John Pringle.

The grandson and, probably, pupil of the master of

* A neighbouring laird, incapable of appreciating the grandeur of the scene, blurted out—"And a gude grip o' the grund he has."

music, was John Pringle, another Hawician to whose strains some few persons still living have listened. Pringle was esteemed a more refined performer than his grandfather; and so great was his fame that a veteran musician from a distant part of the country paid him a visit, in order that he might in person test the Borderer's skill. Being asked for a specimen, the Hawick callant played "The Humours o' Glen" in such a masterly manner, that the visitor declared he would never lift the violin more. It is good evidence of his skill that he was selected by the late Lord Minto to lead his Lordship's band when Governor-General of India. He died at Calcutta about fifty years ago, it is believed unmarried.

Both Howison and Pringle were composers, and to their genius we owe several melodies still favourites in Teviotdale.

Rattling Roaring Willie.

It would have been a pleasing task to conclude the present desultory sketches by connecting these moderns with an earlier local minstrel, Willie, the "jovial harper" of the Lay of the Last Minstrel, and hero of a popular Teviotdale song:—the composition of one

"Who, nameless as the race from which he sprung,
Sav'd other names, and left his own unsung."

This song will be found in the notes to the Lay of the Last Minstrel. According to local tradition it refers to a tragical case of single combat between two brothers, who, having been drinking at New-mill, quarreled, then proceeded across the river Teviot, and under the walls of Allanhaughpeel, once the residence of a Border family named Scott, of which the ruins still remain, fought till one fell, who was immediately interred on the spot,—

NOTICES OF REMARKABLE INDIVIDUALS. 207

"Where still the thorns white branches wave
Memorial o'er his rival's grave."

Here is Scott's version of Rattling Roaring Willie :—

Now Willie's gane to Jeddart,
And he is for the Rude day :
But Stobs and young Fainash,
They followed him a' the way ;
They followed him a' the way,
They sought him up and down,
In the links of Ousenam water
They fand him sleeping soun.*

Stobs lighted aff his horse
And never a word he speak,
Till he tied Willie's hands
Fu' fast behind his back ;
Fu' fast behind his back,
And down beneath his knee,
And drink will be dear to Willie,
When sweet milk gars him dee.

Ah, wae light on ye Stobs !
An ill death mot ye dee !
Ye're the first and foremost man
That e'er laid hands on me ;
That e'er laid hands on me,
And took my mare me frae ;
Wae to ye Sir Gilbert Elliot,†
Ye are my mortal fae !‡

* VARIATION.

Our Willie's away to Jeddart,
To dance on the rood day ;
A sharp sword by his side
A fiddle to cheer his way,
The joyous thairms o' his fiddle,
Rob Roole he handled rude,
And Willie left Newmill banks,
Red wat wi Robin's blude.

† As the Stobs Baronetcy dates only from 1666, the song is less ancient than might have been supposed, if, indeed, the introduction of the title is not an interpolation.

‡ VARIATION.

Now may the name of Elliot
Be cursed frae firth to firth !
He has fettered the gude right hand
That keepit the land in mirth ;
That keepit the land in mirth,
And charmed maid's hearts frae dool ;
O sair will they want thee Willie,
When barks are bare at Yule.

These variations will be found in Cunningham's edition of Burns, vol. iv., p. 108. Another, but very poor version, may be seen in the *Melodies of Scotland* collected by G. Thomson, F.A.S.E. 5 vols. Edinburgh, 1836.

The lasses of Ousenam water
Are rugging and riving their hair,
And a' for the sake of Willie,
His beauty was sae fair;
His beauty was sae fair,
And comely for to see,
And drink will be dear to Willie,
When sweet milk gars him dee.

There are other versions, as numerous probably as those of "Johnny Cope," the song having been a general favourite, and the air very fine.

THE END.

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